An Act to provide against European Vagrancy.

Preamble.

WHEREAS numerous persons of European extraction are at present wandering in a destitute condition throughout India, and whereas such conduct is prejudicial to public order, and it is expedient to prevent the same; It is hereby enacted as follows:—

PART I.—PRELIMINARY.

Short title.

1. This Act may be called "The European Vagrancy Act, 1869."

Commencement and extent of Act.

2. Sections three, seventeen, eighteen, twenty-one, twenty-two, twenty-three, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three and thirty-four shall come into operation at once, and shall extend to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty:

Sections twenty-five, twenty-six, and thirty-one shall come into operation on the first day of January 1870, and shall extend to the whole of British India and to the said dominions:

And the rest of this Act shall come into operation in such parts of British India and of the said dominions and on such day or respective days as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Interpretation clause.

3. In this Act—

"Person of European extraction."

"Person of European extraction" includes Americans and Australasians:

"Vagrant."

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence:

"Master of a ship."

"Master of a ship" includes any person in charge of a decked vessel:

"Magistrate."

And in Parts III and V of this Act "Magistrate" means, within the limits of the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and, outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Subordinate Magistrate of the first class.

PART II.—PROCEDURE.

Power to require apparent vagrant to go before Police Magistrate, or Justice of the Peace with full powers of a Magistrate.

4. Any Police officer may, within the limits of the towns of Calcutta, Madras and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to and to appear before the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police officer to and to appear before the nearest Justice of the Peace exercising the full powers of a Magistrate under the Code of Criminal Procedure.

Summary inquiry into vagrant's circumstances.

5. The Magistrate of Police or Justice shall make a summary inquiry into the circumstances and character of the alleged vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

Order to go to work-house.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government work-house and shall draw out an order to that effect.

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house, and to the governor of the work-house for receiving and detaining such vagrant.

Forwarding vagrant to place of employment.

6. Where the officer making the inquiry mentioned in section five is of opinion that the vagrant is likely to obtain employment in any place subject to the Local Government or (when the vagrant is in any part of the said dominions) in any place subject to the nearest Local Government, such officer may in his discretion forward the vagrant to such place in charge of the Police and draw up an order to that effect.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

Assistance to obtain employment.

7. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the mean time, if he think fit, keep the vagrant in the charge of the Police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to a Government work-house in the manner provided by section five.

Subsistence allowance.

8. Every person while in charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under section five, to the work-house, or, under section six, to a place of employment, shall be entitled to an allowance for his subsistence at the rate of eight annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under section seven, may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The Local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct.

Power to give certificates.

9. Any Magistrate of Police or Justice of the Peace exercising full powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his

hand stating that for a certain time (mentioning it) not exceeding six months from the date of the certificate, and within certain limits (mentioning them), nothing in sections four, five, six and seven shall apply to the holder of such certificate; and thereupon (subject to the provisions contained in sections twenty-three and twenty-four) nothing in sections four, five, six and seven shall apply to such person for such time and within such limits as aforesaid.

Form of certificate.

Every such certificate shall be in the form set forth in the first schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to invest Justices, District Superintendents of Police, &c., with jurisdiction of full power Justices under Part II.

10. The Local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising full powers as aforesaid.

PART III.—GOVERNMENT WORK-HOUSES.

Provision of Government work-houses.

11. The Local Government, with the previous sanction of the Governor General of India in Council, may provide work-houses, with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants,

or may by writing under the hand of a Secretary to such Government, ratify any building, or part of a building not prec[illegible]ed as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, until the Local Government otherwise orders, be deemed a Government work-house under this Act.

Scale of diet.

The Local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

Superintendence of work-houses.

12. Every such work-house shall be under the immediate charge of a governor, who shall be appointed and may be suspended or removed by the Local Government.

Every such governor shall, if the Local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or, in the absence of a Committee, to the orders of such officer as the Local Government shall from time to time appoint in this behalf.

Search of vagrants.

13. Every such governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages and other effects shall be inspected, and may direct that any money then found with or on the vagrant, shall be applied (subject to the orders of the Local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the produce of the sale be applied as aforesaid, but subject to the like orders.

Discipline.

14. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the Local Government with the previous sanction of the Governor General of India in Council.

Any vagrant who knowingly disobeys or neglects any such rule, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to three months.

Refusal to accept employment.

15. The governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

When such employment is obtained, any such vagrant refusing or neglecting to avail himself thereof, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to one month.

PART IV.—REMOVAL FROM INDIA.

Removal of vagrants.

16. If after the lapse of a reasonable time no suitable employment is obtainable for any such vagrant, the Local Government may either (when he shall have entered into such agreement as hereinafter mentioned) cause him to be removed from British India in manner hereinafter provided,

Cost of removal.

the cost of such removal being paid by Government;

or it may cause sections twenty-three and thirty to be read to him and may then release him.

Agreements with vagrants.

17. Any vagrant or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself—

(*a.*) to proceed to such port in British India as shall be mentioned in the agreement;

(*b.*) there to embark on board such ship and at such time as shall be directed by an officer appointed in this behalf by the Local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council;

(*c.*) to remain on board such ship until she shall have arrived at her port of destination; and

(*d.*) not to return to India until five years shall have elapsed from the date of such embakation.

Form of Agreement.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to perform agreement.

18. The Local Government of the territories in which the said port is situate may enter into such contracts for conveyance or otherwise, and perform such other acts as may be

necessary to carry out such agreement on the part of the said Secretary of State in Council.

PART V.—PENALTIES.

Refusal to go before Police Magistrate or Justice.

19. Any person refusing or failing to accompany a Police officer to, or to appear before a Magistrate of Police or Justice of the Peace, for the purpose of preliminary inquiry when required so to do under section four, shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with imprisonment for a term which may extend to one month, or with fine, or with both.

Assaulting Police.

And any person who, when required under section four to accompany a Police officer to, or to appear before a Magistrate of Police or Justice of the Peace, commits an offence punishable under section three hundred and fifty-three of the Indian Penal Code, may, whether he be or not an European British subject, be tried by a Magistrate for such offence.

Escaping from Police.

20. Any vagrant escaping from the Police while committed to their charge under orders specified in sections five and six,

Quitting work-house without leave.

or leaving a work-house under this Act without permission from the governor,

shall for every such offence be punishable, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Failing to proceed to port of embarkation.

21. Any person entering into an agreement under section seventeen and failing to proceed in pursuance thereof to the port therein mentioned,

Refusing to go on board ship.

or refusing to embark when directed so to do under the same section,

Escaping from ship.

or escaping from the ship in which he has so embarked before she shall have reached her port of destination,

shall for every such offence be punishable, whether he be or be not an European British subject on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to six months.

Returning to India.

22. Any person returning to India within five years of the date of his embarkation pursuant to any agreement entered into under section seventeen, unless specially permitted so to do by the Secretary of State for India, shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Begging.

23. Any person of European extraction found asking for alms when he has sufficient means of subsistence,

or asking for alms in a threatening or insolent manner,

or continuing to ask for alms of any person after he has been required to desist,

shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

Procedure on close of imprisonment.

24. Every person imprisoned under section nineteen, twenty, twenty-one, twenty-two or twenty-three shall, at the end of his term of imprisonment, be placed before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, who, shall if he think fit, forthwith deal with him in the manner prescribed by sections five and six.

The order of transmission shall certify the fact of the previous conviction.

Penalty on shipmaster bringing European convicts to India.

25. Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony or of an offence which, if committed in England, would be felony, shall, on conviction before a Magistrate, be liable, for every person so landed or allowed to land, to pay a fine not exceeding five hundred rupees and not less than one hundred rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

unless the defe[illegible]t shall satisfy the Magistrate by evidence [illegible]h the defendant is hereby declared competent to give), that he had made due enquiry as to the person so landed or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

Power to exempt certain shipmasters.

The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the said Governor General in Council shall seem fit, and whether in respect of all or of any part of the persons on board such ships.

The said Governor General in Council may in like manner revoke any exemption made under this section.

Recovery of fines.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Payment of fines.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Prosecutions.

27. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government shall from time to time appoint.

Limits of jurisdiction.

28. In imposing penalties under this Part and Part III of this Act, no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

Validity of proceedings where Police Magistrate or Justice is not the nearest.

29. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person apparently a vagrant was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

PART VI.—MISCELLANEOUS.

Deprivation of privileges of European British subjects under Criminal Procedure Code.

30. Any European British subject who, upon the summary enquiry mentioned in section five, has been determined to be a vagrant, or who has been convicted under section twenty-two or section twenty-three, shall so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in Chapter XIX of the same Code) applicable to an European not being a British subject.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

An office-copy of the declaration recorded under section five shall be *primâ facie* evidence that the European British subject named therein has been, upon such enquiry, determined to be a vagrant.

Liability of importers of Europeans or employers of soldiers becoming vagrants.

31. Whenever any person of European extraction lands in India,

or, being a Non-Commissioned Officer or Soldier in Her Majesty's Army, leaves that Army in India,

under an engagement to serve any other person, or any Company, Association or Body of persons in any capacity,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the Army, as the case may be, then the person, or Company, Association or Body, to serve whom he has so landed in India or left the Army, shall be liable to pay to the Government the cost of his removal under this Act and all other charges incurred by the State in consequence of his becoming a vagrant.

Recovery of charges.

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council by the person, Company, Association or Body chargeable.

Exercise of powers conferred on Local Government.

32. The powers and duties conferred and imposed by sections sixteen and eighteen on a Local Government may be exercised and performed by such class of officers as the Local Government shall from time to time, by notification in the official Gazette, appoint in this behalf.

Exercise in Native States of powers conferred on Magistrates, Justices and Police.

33. The powers and duties conferred and imposed by this Act on Magistrates, Justices of the Peace exercising the full powers of a Magistrate, and Police officers respectively may, in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Power to make rules for guidance of officers.

34. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

All such rules shall be published in the *Gazette of India*.

THE FIRST SCHEDULE.

(*See Section* 9.)

WHEREAS E. F. of a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1869, THESE ARE TO CERTIFY that for the space of months from the date hereof and within the Province [*or* District] of nothing in sections four, five, six and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist: IN ANY OF WHICH CASES he shall be liable to be imprisoned and otherwise dealt with as provided in sections twenty-three and twenty-four of the said Act.

(Sd.) G. H.,

Magistrate of Police for the Town of
or Justice of the Peace for exercising the full powers of a Magistrate.

THE SECOND SCHEDULE.

(*See Section* 17.)

ARTICLES OF AGREEMENT made this——— day of———18——BETWEEN the Secretary of State for India in Council of the one part and C. D. of &c., [*the vagrant*] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows:—

1. The C. D. shall proceed forthwith to the port of [*the port of embarkation.*]

2. The said C. D. shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.

3. The said C. D. shall remain on board such ship until she shall have arrived at her port of destination.

4. The said C. D. shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said C. D. to the said port, and of his lodging and subsistence during such transit and during his

detention (if any) at the same port, and shall contract with the owner of the said ship or his agent for the passage of the said C. D. on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

IN WITNESS whereof A. B. (by order of the Governor General of India in Council [*or* the Governor of in Council, *or* the Lieutenant-Governor of , *or* the Chief Commissioner of], on behalf of the said Secretary of State in Council) and the said C. D. have hereunto set their hands the day and year first above written.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

THE following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the twenty-fourth day of September 1869, and is hereby promulgated for general information:—

ACT No. XXII OF 1869.

An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts and for other purposes.

Preamble.

WHEREAS it is expedient to remove the territory commonly known as the Gáro Hills from the jurisdiction of the Civil, Criminal and Revenue Courts and Offices established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Gáro Hills Act, 1869."

Commencement of Act.

2. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall, by notification in the *Calcutta Gazette*, direct.

Repeal of enactments.

3. On and after such day, Act No. VI of 1835 (so far as it relates to the Khásí Hills therein termed 'Cossyah' Hills), and the Bengal Regulation X of 1822 shall be repealed:

Proviso.

Provided that such repeal shall not affect any settlement of land-revenue or other matters made under the latter enactment with zemíndárs or other persons in any place to which this Act applies.

Gáro Hills removed from operation of general Regulations and Acts.

4. Save as hereinafter provided, the territory known as the Gáro Hills, bounded on the north and west by the District of Gowalpara, on the south by the District of Mymensing as defined by the Revenue Survey, and on the east by the Khásí Hills, is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Regulations of the Bengal Code and the Acts passed by any Legislature now or heretofore established in British India, as well as from the law prescribed for the said Courts and offices by the Regulations and Acts aforesaid;

And no Act hereafter passed by the Council of the Governor General for making Laws and Regulations shall be deemed to extend to any part of the said territory unless the same be specially named therein.

Administration of justice and settlement and collection of revenue vested in certain officers.

5. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public revenue and of all matters relating to rent within the said territory, are hereby vested in such officers as the said Lieutenant-Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.

The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant-Governor and be guided by such instructions as he may from time to time issue.

Place of imprisonment or transportation.

6. Any person liable to be imprisoned in any Civil or Criminal Jail, or to be transported beyond sea, under any order or sentence passed by any officer or court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail, or transported to any place, which the said Lieutenant-Governor may direct.

Power to prevent private collection of cesses.

7. The said Lieutenant-Governor may prevent, by such means as he shall think fit, the collection by zemíndárs or other persons of any cesses, tributes, or exactions, on whatsoever pretence the same may be levied, from the inhabitants of the said territory, and may make arrangements either for the remission of such cesses, tributes and exactions, or for their collection direct by the officers of Government, making such compensation to zemíndárs or others justly entitled thereto, for the relinquishment of the same, as may to him seem proper.

Compensation.

Power to extend laws to Gáro Hills.

8. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General or of the said Lieutenant-Governor for making Laws and Regulations,

and may on making such extension direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

Power to extend Act to Jintiá and Nága Hills, and to British portion of Khásí Hills.

9. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend, *mutatis mutandis*, all or any of the provisions contained in the other sections of this Act to the Jintiá Hills, the Nága Hills, and to such portion of the Khásí Hills as for the time being form part of British India.

Every such notification shall specify the boundaries of the territories to which it applies.

Questions of disputed boundary.

10. Whenever a question arises whether any place falls within the boundary of the territories described in section four or within the boundary of any of the territories to which provisions of this Act may be extended under section nine, such officers as the said Lieu-

tenant-Governor shall from time to time appoint, may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

THE following Bill and Statement of Objects and Reasons are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations :—

No. 15 OF 1869.

A Bill to regulate the Wills of Hindús and Buddhists in the Presidency Towns.

Preamble.

WHEREAS it is expedient to provide rules for the execution, attestation, revocation, revival, interpretation and probate of the wills of Hindús and Buddhists in the Presidency Towns; It is hereby enacted as follows :—

Short title.

1. This Act may be called "The Hindú Wills Act, 1869."

Certain sections of Succession Act extended to wills of Hindús and Buddhists in the Presidency Towns.

2. The Indian Succession Act, 1865, sections 46, 48, 49, 50, 51, 54, 55, and 57 to 77 (both inclusive), sections 82, 83, 85, 88 to 98 (both inclusive), sections 106 to 177 (both inclusive), sections 179 to 189 (both inclusive), sections 191 to 199 (both inclusive), so much of Parts XXX and XXXI as relates to grants of probate and letters of administration with the will annexed, Parts XXXIII to XL (both inclusive), so far as they relate to an executor and an administrator with the will annexed, and section 329 shall apply—

(a) to all wills and codicils made by any Hindú or Buddhist on or after the first day of January 1870, within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay ; and

(b) to all such wills and codicils, wherever made, relating to immoveable property situate within those limits :

Provided that marriage shall not revoke any such will or codicil ;

And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance which they would have possessed if he had died intestate :

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which he could not have alienated *inter vivos*.

Saving of rights of Administrator General.

3. Nothing contained in this Act shall affect the rights, duties and privileges of the Administrators General of Bengal, Madras and Bombay, respectively.

Interpretation clause.

4. In this Act and in the said sections all words defined in section three of the said Succession Act, shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as the said section three has attached to such words respectively.

And in applying sections 62, 63, 92, 96, 98 and 182 of the said Succession Act, to wills and codicils made under this Act, the words "son," "child" and "children" shall be deemed to include an adopted child ; and the word "grandchildren" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born ; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son.

And in making grants under this Act of letters of administration with the will annexed, or with a copy of the will annexed, section 195 of the said Succession Act shall be construed as if the words "and in case the Hindú Wills Act had not been passed" were added thereto ; and section 198 of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills Act had not been passed" were inserted ; and sections 230 and 231 of the said Succession Act shall be construed as if the words "if the Hindú Wills Act had not been passed" were added thereto respectively.

STATEMENT OF OBJECTS AND REASONS.

WHEN the Indian Succession Act, 1865, was under the consideration of the Legislature, it was proposed to extend to Natives the testamentary portion of that measure ; but it was felt that, in three respects, sufficient information was not before the Council to justify an immediate extension in this direction. Doubts were entertained as to how far it would be politic to interfere with the power to make oral wills which Muhammadans have always possessed, and evidence was wanting as to the propriety of restricting Natives in creating perpetuities and in making bequests to religious and charitable uses. A clause was accordingly introduced, as a temporary provision, excluding the Hindús, Muhammadans and Buddhists from the operation of any part of the Act.

Some months after the passing of the Act, a a circular was issued from the Home Department to the several Local Governments respecting the extension to Natives of its testamentary clauses. Attention was called to the fact that, although liberty of testation was established throughout British India, and although the testamentary power of Hindús was derived from the English law, there were no securities for the due exercise of that power by Natives, such as the requirement of writing, signature and attestation, which were found indispensable in Europe.

It was also pointed out that, although in England nuncupative wills have long been placed under considerable restrictions as to the persons by whom they can be made, as to the witnesses required to be present, and as to the time within which testimony is admissible to prove the speaking, in India, our Courts were compelled to recognize such wills when made by Hindús of any age or calling and under any circumstances whatever. It was observed that the favourite fraud of bringing forward false wills was encouraged by the non-requirement of writing ; that the evidence setting up a false nuncupative will might revoke a true written one, and that, even in the case of a genuine testamentary disposition,

the certainty of writing was replaced by the frailty of memory. Further remarks, which will now be merely referred to, were made as to the absence, in the case of Native testators, of any restraints on the creation of perpetuities and on devises to religious or charitable uses, as to the non-requirement of probate of their wills, whether written or oral, and as to the difficulty of ascertaining the character and powers of a Native executor.

The circular concluded by pointing out the provisions of the Indian Succession Act on the subjects thus treated of, and by requesting an opinion as to the advisability of extending those provisions to Natives.

To this circular replies were received from all the local authorities, accompanied, in almost every instance, by papers written by such European and Native gentlemen as were deemed best capable of advising on the matter. The general result of the opinions thus obtained may, so far as they relate to the Presidencies of Bengal, Madras and Bombay, to Oudh, and to the Central Provinces, be compendiously expressed as follows :—

1*st*.—The practice of making nuncupative wills should be abolished, and the provisions of the Indian Succession Act as to execution of wills and codicils should be adopted in the case not only of Hindús but Muhammadans.

2*nd*.—Marriage should not, in the case of a Native testator, revoke his will. In other respects the provisions of the Succession Act as to revocation should be followed.

3*rd*.—It is inexpedient to impose, in the case of Natives, any restrictions on the exercise of the testamentary power in favour of religious or charitable uses, or for the creation of perpetuities.

4*th*.—The provisions of the Succession Act as to the interpretation of wills should, with some few exceptions, be adopted.

5*th*.—Probate should be made compulsory, and the provisions of the Succession Act as to administration with will annexed and as to the powers and duties of an executor, should be extended with some slight modifications.

The primary object of the present Bill is to preclude the fraud and perjury which are notoriously encouraged by the absence of restriction on the making of nuncupative testaments. Its secondary objects are to prevent the evils arising from the non-requirement of probate of Native wills, and from the prevailing uncertainty as to the character and powers of Native executors.

As a Native's written will need not now be proved, it need not, of course, be deposited for safe custody. The resulting opportunities for forgery and fraudulent alteration are obvious, and have, it is believed, been often taken advantage of. Moreover, in England the granting of probate is conclusive as to the testamentary character of the instrument as regards all claimants of the personalty. The result of this rule is most satisfactory in precluding litigation. But in India, a far more litigious country, even when a Native's will is proved, or when letters of administration are granted *cum testamento annexo*, the probate or grant is binding only as against those who obtain or who oppose it. As against persons who have no means of appearing, or right to dispute the probate or grant, it has no greater effect than the ordinary decreee in a civil suit.

Then the Native executor takes nothing from any grant of the Court. His title is founded solely on the will considered as an instrument of gift. His acts between the testator's death and the grant of probate are not (as in England) rendered valid by the grant. It seems doubtful whether, as against creditors who have not appeared or been cited, he can retain any part of his own debt. In the interest of the honest executor, therefore, legislation seems needed in this direction. Moreover, a Native executor has, according to the High Court at Fort William, no greater power over immoveable property than a manager. His powers are, therefore, at least in the Lower Provinces of Bengal, limited and qualified, and if he makes a mortgage or sale, the lender or purchaser, as the case may be, is bound to enquire into the necessity of the transaction. What the law on the subject is in Madras and Bombay does not appear to have hitherto been decided. It is hard to conceive a state of things more calculated to interfere with that free circulation of property so desirable in a country like India.

A Native executor, moreover, cannot be compelled, except by a law-suit, to exhibit an inventory or account of his testator's estate. In many cases, therefore, there is no adequate check upon him; and at any distance of time it is difficult to fix him with the possession of property comprised in the will.

The Bill only applies to Hindús and Buddhists. Muhammadans have an elaborate system of testamentary law, which, like the rest of their code, they regard as of divine origin. To impose on Muhammadans a body of rules which would have the effect of superseding any part of their existing law, might create alarm and discontent, and would therefore be impolitic. The case of Hindús is clearly distinguishable. Hindú wills being unknown to Hindú law, being in fact the creature of English Courts, the legislature is entitled to subject them to all expedient restrictions. Similar remarks apply to the wills of Buddhists.

The Bill, too, is confined in its operation to the Presidency Towns. Hereafter it may be desirable to extend its provisions to Hindús and Buddhists in the Mofussil and Burma. But as yet the practice of testation does not prevail amongst Natives to any great extent outside those towns; and for the present, therefore, it seems advisable to limit the incidence of the proposed legislation.

The power of alienation *inter vivos* which a Hindú possesses is everywhere subject to restrictions, and varies from the nearly absolute freedom enjoyed, even as to ancestral property, by a Native of Bengal, to the comparatively limited authority of a Native of Madrás or other territory subject to the law of the *Mitákshará*. The High Courts at Calcutta and Madras have held that a Hindú's testamentary power is only co-extensive with his independent power of alienation during life. The Bill adopts this ruling, and provides that nothing therein contained shall

authorize a testator to bequeath property which he could not have alienated *inter vivos*. Connected with this provision is a clause expressly negativing the power of a Native testator to deprive his relatives of any right of maintenance which they would have possessed if he had died intestate.

The rest of the Bill extends to the wills of Hindús and Buddhists certain sections of the Succession Act.

Of these, section 46 declares the testamentary power, and will be read in connection with the limitation above-mentioned.

Sections 48, 49, 50, 51, 54, 55, 57, to 60 relate (*inter alia*) to the execution, revocation, and revival of wills and codicils. It will be seen that the Bill expressly provides that marriage shall not operate as a revocation. It is the opinion of competent authorities that in the case of a polygamist marriage does nto create such a change in the testator's condition as to raise a presumption that he would not adhere to a will made previously The principle, therefore, on which marriage revokes a will in England, does not apply.

Part XI of the Succession Act contains rules as to the construction of wills. Of these the Bill proposes to extend sections 61 to 77, and sections 82, 83, 85, and 88 to 98 (both inclusive). It omits sections 80 and 81, which provide rules for the cases of bequests to 'heirs,' 'next-of-kin,' 'nearest relation,' &c., or the 'representatives' of a particular person. These rules have been framed with reference to the English law of succession *ab intestato*, and are therefore in applicable to Natives.

By section 84, a bequest to A. and his children gives the whole interest to A. But the intentions of a Hindú testator, to whom the idea of a father and his sons being in a state of natural coparcenary is familiar, would probably be frustrated by the application of such a rule, which, therefore, has been omitted.

Section 86 ties down the construction of terms or relationship. Natives are generally so vague and inaccurate in using these terms that the section cannot safely be applied to their wills.

The general rule laid down by section 87, that words expressing relationship shall denote only legitimate relations, has also been omitted as being scarcely applicable to the wills of Hindús and Buddhists, whose notions as to legitimacy and illegitimacy are so different from those of Europeans.

Sections 179 to 264 relate to grants of probate and letters of administration. The Bill extends so much of them as relates to probate and grants *cum testamento annexo*, subject, however, to two modifications. Section 179 declares that all the property of the deceased person vests in the executor as such. This might give rise to a misconception, and the Bill expressly provides that nothing in the proposed Act shall vest in the executor or administrator with will annexed any property which the deceased could not have alienated during his life. And the Bill modifies sections 195, 198, 230 and 231 of the Succession Act so as to make it clear that the rules laid down in the 291st and the following sections, as to the order in which surviving relatives are entitled to administration in case of intestacy, do not apply to grants to Natives of letters of administration with will annexed. In such cases the practice will continue to be as at present, *viz.*, to let the grant follow the interest.

As adoption is practised not only by Hindús, but by Buddhists, it has been necessary to provide that the words 'son,' 'child,' 'children,' when they occur in the sections extended, shall include an adopted son.

It may, in conclusion, be remarked that the testamentary clauses of the Succession Act apply to the Pársís: that most of these clauses were extended to the Oudh Taluqdárs by Act I of 1869, and that the similar provisions contained in the Indian Wills Act (XXV of 1838) have for the last twenty years applied to all classes in the Straits Settlement—Muhammadans, Hindús, and Chinese as well as Englishmen.

H. S. MAINE.

SIMLA,
The 20th September 1869.

WHITLEY STOKES,
Secy. to the Council Govr. Genl. for making Laws and Regulations.

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

REVENUE AND GENERAL DEPARTMENTS.

No. 1376R.

APPOINTMENTS.

The 8th October 1869.—Mr. J. R. Hallett to be a Member of the Local Committee of Public Instruction at Midnapore.

The 16th October 1869.—Moulavy Ahsan Ahmed, Deputy Magistrate and Deputy Collector, to have charge of the Sub-Division of Gurbettah, during the absence, on leave, of Baboo Rutton Lall Ghose, or until further orders.

The 18th October 1869.—In supersession of the Notification of the 28th ultimo, published in the *Calcutta Gazette* of the 29th idem, Mr. Thomas C. Hide is appointed to be Chief Engineer of the Government Dock-yard at Kidderpore, and to be a Surveyor of Steam Vessels in the Port of Calcutta, under Act V. (B. C.) of 1862.

Baboo Kamini Koomud Mookerjee, Special Sub-Registrar of Assurances, Burrisaul, is transferred to Midnapore.

Baboo Barodakant Mozoomdar, Special Sub-Registrar of Assurances, Midnapore, is transferred to Chittagong, but he will continue to officiate, until further orders, as a Deputy Magistrate and Deputy Collector of Midnapore.

Baboo Nilmoney Das, Special Sub-Registrar of Assurances, Chittagong, is transferred to Burrisaul.

Baboo Juggut Chunder Gangooly to officiate as Special Sub-Registrar of Assurances of Chittagong, during the absence, on deputation, of Baboo Barodakant Mozoomdar, or until further orders.

Baboo Sunjeeb Chunder Chatterjee to officiate as Special Sub-Registrar of Assurances at Baraset, during the absence, on deputation, of Baboo Umachurn Gangooly, or until further orders.

Mr J. D. F. Harvey to officiate as Special Sub-Registrar of Assurances of the Sub-Districts of Bhaugulpore and Monghyr, during the absence, on deputation, of Mr. C. C. Wood, or until further orders.

The 19th October 1869.—Mr. J. G. Charles to officiate, until further orders, as Joint-Magistrate and Deputy Collector of Cuttack.

LEAVE OF ABSENCE.

The 16th October 1869.—Baboo Nitto Lall Dey, Special Sub-Registrar of Chittagong, for six months, under paragraph 11 of the Uncovenanted Service Absentee Rules, in extension of the leave granted to him under orders of the 26th April last.

Mr. T. Smith, Officiating Deputy Commissioner of Gowalparah, for one week, under the Financial Resolution No. 2749, dated the 24th September 1867, in extension of the leave granted to him under orders of the 15th July last.

Baboo Rutton Lall Ghose, Deputy Magistrate and Deputy Collector of Gurbettah, for fifteen days, under paragraph 16 of the Uncovenanted Service Absentee Rules.

The 18th October 1869.—Mr. W. H. Grimley, Officiating Superintendent of Dearah Surveys, Rajshahye Division, for ten days, under Financial Resolution No. 2749, dated the 24th September 1867, to enable him to attend the examination in Bengalee by the High Proficiency Test to be held in Calcutta in January next.

The 19th October 1869.—Baboo Kamini Koomud Mookerjee, Special Sub-Registrar of Burrisaul, lately transferred to Midnapore, for two months, under paragraph 11 of the Uncovenanted Service Absentee Rules.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

The following Order issued by His Excellency the Viceroy and Governor General, in the Military Secretary's Office, is re-published for general information :—

Simla, the 2nd October 1869.—*Notification.*—The Viceroy and Governor General will leave Simla on the morning of the 19th October 1869.

His Excellency will arrive at Nynee Tal on Friday, the 22nd October.

His Excellency will leave Nynee Tal on the 1st November.

His Excellency will arrive at Allahabad on the 4th November, and will leave again on the 6th, arriving in the Presidency on the morning of the 8th November 1869.

The following Orders issued by the Government of India, in the Home Department, are re-published for general information :—

No. 344.—*Simla, the 5th October* 1869.—*Revenue.*—*Geographical.*—The Governor General in Council is pleased to declare that the alterations in the designations of the Officers of various grades in the several branches of the Survey Department, which were published in Notification No. 268, dated 20th August 1869, are applicable to the Departments of the Great Trignometrical and Topographical Surveys of India, and to the Revenue Survey Department of the Bengal Presidency.

No. 514.—*The 8th October* 1869.—*Ecclesiastical.*—Subsidiary leave from the 8th to the 13th ultimo is granted to the Reverend M. R. Burge, a Senior Chaplain on the Bengal Establishment.

Mr. Burge availed himself on the 14th ultimo of the furlough granted to him in Notification No. 646, dated the 4th November last.

The following Orders issued by the Government of India, in the Financial Department, are re-published for general information :—

No. 3943.—*Simla, the 8th October* 1869.—*Notifications.*—*Leave and Allowances.*—The Governor General in Council is pleased to notify that furlough for a period not exceeding three months may be granted to Military Officers in civil employ by Local Governments, or by the Departments of the Government of India under which they may be serving, without previous reference to the Commander-in-Chief or the Military Department, but that a copy of the orders granting such furlough should be furnished to the Military Department. Officers applying for short furlough must of course satisfy the authorities granting the furlough that they are entitled to it under Chapter I. of the Military Leave Rules.

No. 3858.—*The 5th October* 1869.—*Separate Revenue.*—*Stamps.*—The Governor General in Council is pleased to notify that Telegraph Stamps of the new pattern will be given in exchange for those of the old pattern on presentation of the latter at Treasuries where there are new stamps available, and to direct all Treasury Officers to send all the old pattern stamps they may have or receive, to the Superintendent of Stamps at the Presidency.

No. 3934.—*The 6th October* 1869.—*Separate Revenue.*—*Assessed Taxes.*—Under the authority vested in him by Section 5 of the Indian Income Tax Act IX. of 1869, the Governor General in Council is pleased to exempt the income and profits of the people and traders of the hill tracts of Chittagong from the operation of the tax.

The following Order issued by the Government of India, in the Military Department, is re-published for general information :—

No. 1028.—*Simla, the 8th October* 1869.—His Excellency the Governor General in Council is pleased to notify the following appointments to the—

Behar Mounted Volunteer Rifle Corps.

Captain Frederic Collingridge (on leave to Europe) to be Commandant.

Major James Burn to officiate as Commandant, during the absence, on leave, to England of Captain Collingridge, or until further orders.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

JUDICIAL AND POLITICAL DEPARTMENTS.

No. 650J.

APPOINTMENTS.

The 8th October 1869.—The following gentlemen to be Members of the Committee for the management of the Charitable Dispensary at Satkhirah, *viz.*:—

Baboo Woomanath Roy Chowdry.
" Umbica Churn Mookerjee.

The 12th October 1869.—Dr. S. C. Mackenzie, Officiating First Assistant Surgeon, Presidency General Hospital, to be Professor of Hygiene in the Calcutta Medical College, in addition to his present duties.

The 19th October 1869.—Mr. C. L. Fox to officiate as Civil Medical Officer of Tezpore, during the absence, on deputation, of Dr. A. Imthurn, or until further orders.

A. EDEN,
Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Financial Department, is re-published for general information :—

No. 3848.—*Simla, the 6th October* 1869.—*Notification.—Leave and Allowances.*—Read the undermentioned papers :—

Resolution No. 57, passed in this Department on the 2nd January 1868, deciding "that when an Officer is placed in charge of the current duties of a judicial Office, and the charge, in the opinion of the Local Government, entails a substantial increase of responsibility as well as some additional work, he shall be permitted to draw one-half of the deputation allowance which he would have received had he been appointed to officiate in the office concerned."

Resolution No. 2905, passed in this Department on the 27th August 1869, deciding that in calculating half acting allowance under the rule of 2nd January 1868, the proviso in the Notification of this Department, No. 634, dated the 16th June 1868, that the minimum of acting allowance must be two-thirds of the difference between the salaries of the substantive and acting appointments of the Officer concerned shall be disregarded.

Endorsement from the Home Department, No. 612, dated the 30th August 1869, transferring for disposal a letter from the Government of the Punjab soliciting that the operation of the rule of the 2nd January 1868, may be extended to the cases of Officers carrying on the current duties of offices in the Police Department.

Resolution.—The Governor General in Council is pleased to sanction the extension of the operation of the rules of the 2nd January 1868 and 27th August 1869, to the cases of Officers placed in charge of the current duties of offices in the Police Department.

Order.—Ordered, that the foregoing Resolution be published in the *Gazette of India*; that copies thereof be forwarded to the Home Department; the Comptroller-General of Accounts; the Accountants-General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah; and the Deputy Accountants-General in the Central Provinces, Hyderabad, and Mysore; and that the original papers received from the Home Department under the endorsement mentioned above be returned.

The following Orders issued by the Government of India, in the Military Department, are re-published for general information :—

No. 1012.—*Simla, the 4th October* 1869.—The undermentioned Officers have reported their return from England :—

* * * * *

Major F. N. Miles, of the Bengal Staff Corps, District Superintendent of Police, Second Grade, Maldah,—date of arrival at Bombay, 17th September 1869.

* * * * *

No. 1026.—*The 8th October* 1869.—The services of Apothecary C. L. Fox, of the Subordinate Medical Department, are placed temporarily at the disposal of the Government of Bengal.

A. Eden,
Secy. to the Govt. of Bengal.

Revenue Survey Department.

No. 4.

Leave of Absence.—Mr. G. H. Blyth, Revenue Surveyor, Third Grade, Second Division, Lower Provinces, for three months, under Secretary of State's Despatch No. 255, dated 8th November 1865, from such date in November as he may avail himself of the indulgence.

D. C. Vanrenen, *Lieut.-Col.*,
Deputy Surveyor-General, Lower Circle.

Calcutta,
The 8th October 1869. (F)

Revenue Survey Department.

No. 5.

Mr. C. David, Assistant Revenue Surveyor, First Grade, Fourth Division, Lower Provinces, to do duty in the Deputy Surveyor-General's Office at the Presidency, as a temporary arrangement.

D. C. Vanrenen, *Lieut.-Col.*,
Supdt. of Revenue Surveys, Lower Circle.

Calcutta,
The 16th October 1869. (F)

No. 4501C.

Opium Notification.

Notice is hereby given that the Eleventh Sale of Opium, the Provision of 1867-68, will be held at the Exchange Hall, on Friday, the 5th November 1869, at 11 A. M., and will comprise 3,745 Chests, *viz.* :—

		Chests.
Behar Opium	...	2,200
Benares „	...	1,545
Total Chests	...	3,745

2. The General Conditions of the Sale now advertized will be the same as usual : they may be ascertained by reference to the Notification issued on the 9th October 1868, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 10th and 20th November respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room, will be received after 4 P. M. of Wednesday, the 10th November 1869, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 20th November 1869.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium, will be brought to sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates, should circumstances render it expedient to do so :—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 6th Dec. 1869 ...	2,195	1,525	3,720

By Order of the Board of Revenue, L. P.,
R. L. Mangles,
Offg. Junior Secretary.

Fort William,
The 28th September 1869. (F)

No. 4652C.

Notification.

BOARD OF REVENUE.

Fort William, the 4th October 1869.

NOTICE is hereby given that the Provision Opium to be brought forward for sale by Public Auction in the year 1870 will consist of 25,800 chests of Behar and 22,200 chests of Benares Opium, being of the three seasons 1865-66, 1868-69, and 1869-70, in the proportions marginally noted.

		Chests.
Behar.		
Reserve of 1865-66 ...	1	
Supply from 1868-69 ...	25,244	
Ditto 1869-70 ...	555	
		25,800
Benares.		
Reserve of 1865-66 ...	1	
Supply from 1868-69 ...	21,650	
Ditto 1869-70 ...	549	
		22,200
Total ...		48,000

The reserve of one chest of Behar and one chest of Benares Opium of 1865-66 will be first sold, and will form a part of the quantity to be sold in January 1870; and 555 chests of Behar and 549 chests of Benares Opium of the Provision of 1869-70 will be sold in December 1870 after the sale of the Opium of the previous season.

The sales will be held on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

Dates.		Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday,	14th Jan. 1870	2,150	1,850	4,000
On or about Friday,	11th Feb. ,,	2,150	1,850	4,000
On or about Monday,	14th Mar. ,,	2,150	1,850	4,000
On or about Wednesday,	13th April ,,	2,150	1,850	4,000
On or about Monday,	16th May ,,	2,150	1,850	4,000
On or about Wednesday,	15th June ,,	2,150	1,850	4,000
On or about Thursday,	14th July ,,	2,150	1,850	4,000
On or about Monday,	15th Aug. ,,	2,150	1,850	4,000
On or about Monday,	12th Sept. ,,	2,150	1,850	4,000
On or about Friday,	14th Oct. ,,	2,150	1,850	4,000
On or about Monday,	14th Nov. ,,	2,150	1,850	4,000
On or about Thursday,	15th Dec. ,,	2,150	1,850	4,000
Total ...		25,800	22,200	48,000

The following are the Conditions of Sale:—

1. The Opium will be sold for exportation by sea only, and no Certificate will be granted except to cover such export.

2. The Opium will be ordinarily offered for sale at an upset price of Rupees 800 per chest, and sold to the highest bidder above that price, except under the circumstances for which provision is made by Clause 12th of these Conditions of Sale.

3. The sale shall commence at the hour of 11 A. M. of the day fixed by previous notification, and shall not be continued after the hour of 5 P. M.; but if at that hour any of the lots advertised for sale shall remain unsold, the sale may, at the discretion of the Board of Revenue, be resumed on the next day following (not being Sunday or a public holiday) at the hour of 11 A. M., and so on until the whole of the remaining lots are disposed of, or, if the whole quantity advertised shall not be sold on the day appointed, the Board may dispose of the lots which remain on hand at a future sale.

4. Each lot shall contain five chests.

5. A Promissory Note for a sum calculated according to the scale noted in the margin shall be taken as a deposit on each lot from the purchaser in the sale-room, and before the lot is registered in the sale book, and all such Promissory Notes shall be redeemed on the part of the purchasers at this Office by Bank of Bengal receipts, or by substitution of other public securities of the Bengal Government, on or before 4 o'clock in the afternoon of the fifth day after the sale, or on the other hand, failing such redemption by the time aforesaid then the lot or lots for which no Bank of Bengal receipts, or deposit of other public securities as aforesaid shall have been delivered in, shall be re-sold at such time or times and under such conditions of re-sale as the Board of Revenue shall see fit, and all losses and expenses whatsoever attending such re-sale shall be borne and paid by the defaulters, whilst any profit accruing from such re-sale shall be forfeited to Government.

DEPOSIT.

When the amount bid is less than Rs. 1,200 per chest, Rs. 200 per chest.

On bids of Rs. 1,200 and upwards, but less than Rs. 1,600 per chest, Rs. 300 per chest.

On bids of Rs. 1,600 and upwards, but less than Rs. 2,000 per chest, Rs. 400 per chest.

And so on, Rs. 100 being added to the deposit for every bid additional to the extent of Rs. 400.

6. The Promissory Notes taken on the day of sale under the last mentioned condition, if remaining unredeemed at 4 o'clock of the fifth day following the day of sale, will be placed in the hands of the Solicitor to the Government for realization in such manner as to him shall seem fit.

7. No tender of money, Bank of Bengal receipts, or public securities, on account of Opium, upon which the prescribed deposit may not have been made before 4 o'clock of the fifth day following the day of sale, will be afterwards accepted.

8. The Opium advertised for sale shall be paid for within fifteen clear days from the day of sale, and in case any lots of such Opium shall not be so paid for and adjusted, then the cash deposit made under the fifth condition, or any public securities that may have been deposited on account of such lots or chests shall be forfeited, and the Opium shall be disposed of on account of Government at such time and in such manner as the Board of Revenue shall think fit, and the first purchaser shall further be required to make good any loss or difference of price between that obtained at the re-sale and the amount at which the Opium was first purchased, forfeiting all advantages that may arise from such re-sale.

9. Purchasers taking out Certificates or Orders for the delivery of Opium, after making full payment as above prescribed, shall have the option of naming the number of lots of their purchase, which they may desire to be included in each Certificate or Order, and it is to be clearly understood that the Certificates or Orders so taken out shall be considered final, and not afterwards changeable for other Certificates or Orders authorising the delivery of single lots, or of a different number of lots or chests, whether more or less than the number of lots or chests originally required to be included in each Certificate or Order.

10. No deposit of public securities under the fifth of the present Conditions will be received in this Office, except from the party recorded as the purchaser in the sale book, or his authorised Agent. The receipt for deposit of public securi-

ties will be granted only in the name of such purchaser, and the securities so deposited will be returned when payment in full has been made by the said purchaser or his order.

11. The Officer superintending the sale on the part of the Board of Revenue is empowered to reject, at his discretion, the bid of any individual, unless such individual shall, on demand, tender at the time a deposit either in Government of India Notes, Bank of Bengal [illegible] or Government securities, a sum equal to the amount for which a Promissory Note would otherwise be taken under the fifth of these Conditions.

12. With a view to prevent fictitious biddings designed to obstruct the sale, it is hereby notified that the Officer of Government superintending the sale shall be competent, at any time during the sale, to withdraw any unsold lot, and immediately to put it up again for sale at a maximum upset price diminishing the same gradually until a bid is obtained, and the first *bonâ fide* bidder for a lot after it has been offered for sale in the mode here described shall be held and declared to be the purchaser of the said lot, and the Officer of Government superintending the sale shall also be competent to dispose, in the same manner, of as many of the subsequent lots as he may think proper, provided always that no lot shall be sold below the minimum price of 800 Rupees specified in the second of these Conditions.

13. The purchaser of any lot shall have the option of naming and purchasing in immediate succession, at the same price and under the same conditions, any number of lots of the same Agency Opium not exceeding altogether twenty-five lots, provided always that there remain a sufficient number of lots of the Opium to complete the said twenty-five.

14. In the event of any dispute or difference touching or concerning any matter or question arising out of the sale of the Opium included in this Notification, or adjustment of the account thereof, the same shall and may be tried and decided in the High Court of Judicature at Fort William in Bengal.

15. The following papers will be exhibited for inspection on the day of sale, or may be seen previously to that date by application at the Office of the Junior Secretary to the Board of Revenue :— No. 1, Certificate of the Opium advertised for sale. No. 2, Report of the examination of such Opium.

16. The public are hereby informed that in providing the investment of the Behar and Benares Opium for the year 1868-69, the same precautions have been taken as those which have been observed during past years, to have the drug procured and sent down in a pure state, to have only the prescribed quantity of leaves used in forming the cakes, and to have the due proportion of Opium put into each cake. An account of the weight of the drug when packed at Behar and Benares, and a statement of the average weight of the chests, indiscriminately taken for the purpose of comparison from the despatches on arrival at Calcutta, may be seen on application at the Office of the Junior Secretary to the Board of Revenue.

17. Any further information respecting weight or quality of the Opium advertised for sale that may be desired by parties connected with the trade, will, as heretofore, be furnished to them on application at the Office of the Board of Revenue. But, in accordance with established usage, under no circumstances will the Board entertain or recognise any claim to compensation for loss from any alleged deficiency of weight, abstraction of Opium or adulteration of the drug, which may be preferred on reference to chests, after the sale and delivery of the Opium for shipment.

18. It is hereby further notified that, under the 6th Article of the Convention between Great Britain and France, dated the 7th March 1815, quoted below, the Agents of India in the French Government, or persons duly appointed by them, are entitled to demand, that out of the quantities of Behar and Benares Opium declared as above for sale at the twelve sales of the year 1870, there shall be delivered to them, at the average of the particular sale or sales to which the Opium so applied for may belong, a quantity not exceeding in the aggregate 300 chests, and the Agents of the French Government must make requisition specifying the quantity of Opium required by them at any particular sale, within thirty days from the advertisement of such intended sale, provided, however, that the Agents of the French Government may make such requisition for the whole quantity within thirty days from the publication of this notification. If the Agents of the French Government shall not make the requisition for Opium within the time above mentioned, the entire quantity of about 48,000 chests of Behar and Benares as above estimated, will be brought to sale in the usual manner, and if they shall make application for a quantity of Opium to be delivered to them out of the quantity advertised for sale at each or any of the twelve sales abovementioned, but shall not pay for it within the prescribed period of payment, the Government of Bengal reserves to itself the right of disposing of the Opium which the French Authorities may so fail to pay for, either by increasing the quantity reserved at the sale next ensuing the date of payment, or by selling it at a sale to be held expressly for the purpose.

		Chests.
Behar	...	25,800
Benares	...	22,200
Total		48,000

Article of the Convention above referred to :—

Article VI.—"With regard to the trade in "Opium, it is agreed between the high contracting parties that at each of the periodical sales of "that article, there shall be reserved for the French "Government, and delivered upon requisition duly "made by the Agents of His Most Christian "Majesty, or by the persons duly appointed by "them, the number of chests so applied for, provided that such supply shall not exceed three "hundred chests in each year, and the price for "the same shall be determined by the average "rate at which Opium shall have been sold at every "such periodical sale, it being understood that, "if the quantity of Opium applied for at any one "time shall not be taken on account of the French "Government by the Agents of His Most Christian Majesty, within the usual period of delivery, "the quantity so applied for shall nevertheless "be considered as so much in reduction of the "three hundred chests hereinbefore mentioned. "The requisitions for Opium as aforesaid are to be "addressed to the Governor General at Calcutta "within thirty days after notice of the intended "sales shall have been published in the *Government Gazette.*"

By order of the Board of Revenue, L. P.,

R. L. MANGLES,
Offg. Junior Secretary.

(F)

JUST PUBLISHED
By Authority
THE QUARTERLY CIVIL LIST
FOR THE
LOWER PROVINCES OF BENGAL.
No. XIII., NEW SERIES,
Corrected up to 1st October 1869.
Price Rs. 3 *per Copy—Postage* 5 *annas.*
BENGAL SECRETARIAT,
The 16*th October* 1869. (F)

Notification.

EXTRA Assistant Commissioner, Mr. E. Stewart, has been placed in charge of the Rajmehal Treasury on the 5th instant, and has been authorized to draw Bills on other Treasuries.

J. W. DALRYMPLE,
Commr., Sonthal Pergunnahs.
The 7th October 1869. (F)

Notification.

EXTRA Assistant Commissioner, Mr. A. J. Fraser, has been placed in charge of the Godda Treasury on the 2nd instant, and has been authorized to draw Bills on other Treasuries.

SYUD AMEER HOSSEIN,
Personal Assistant, for Commissioner,
Sonthal Pergunnahs.
The 7th October 1869. (F)

Notification.

EXTRA ASSISTANT COMMISSIONER, Mr. J. D. WHITE, has been placed in charge of the Rajmehal Treasury from the 20th instant, and is authorized to draw Bills on other Treasuries.

SYUD AMEER HOSSEIN,
Personal Assistant to Commissioner,
for Commissioner.
BHAUGULPORE,
The 24th September 1869. (F)

Notification.

DEPUTY COLLECTOR BABOO OMRITO LALL PAUL has been placed in charge of the Monghyr Treasury on the 22nd instant, and is authorized to draw Bills on other Treasuries.

SYUD AMEER HOSSEIN,
Personal Assistant to Commissioner,
for Commissioner.
BHAUGULPORE COMMR.'S OFFICE,
The 25th September 1869. (F)

Notification.

UNCOVENANTED DEPUTY COLLECTOR MR. C. R. S. MADDOCK is placed in charge of the Chumparun Treasury, and is authorized to draw Bills on other Treasuries.

R. P. JENKINS,
Commissioner.
PATNA COMMISSIONER'S OFFICE,
The 23rd September 1869. (F)

Notice.

MR. J. BARLOW, Assistant Collector of Sarun, has been placed in charge of the Sarun Treasury from 1st September 1869, and authorized to draw Bills on other Treasuries.

R. P. JENKINS,
Commissioner.
PATNA COMMISSIONER'S OFFICE,
The 15th September 1869. (F)

Notification.

MR. R. F. RAMPINI, Covenanted Deputy Collector of Balasore, has been put in charge of the Balasore Treasury, and authorized to draw Bills on other Treasuries.

E. W. MOLONY,
Offg. Commissioner.
COMMISSIONER'S OFFICE;
Orissa Division,
The 13th September 1869. (F)

Notice.

DEPUTY COLLECTOR BABOO KEDAR NATH DUTT has received charge of the Dinagepore Treasury, and has been authorized to draw Bills on other Treasuries.

GOBIND MOHUN GHOSE,
Personal Assistant, for Offg. Commissioner.
COMMR.'S OFFICE, RAJSHAHYE DIVN.;
Berhampore,
The 18th September 1869. (F)

Notification.

LIEUTENANT W. HOPKINSON, Assistant Commissioner, received charge of the Hazareebaugh Treasury on the 7th instant, and has been authorized to draw Bills on the other Treasuries.

E. T. DALTON, *Colonel,*
Commissioner of Chota Nagpore.
CHOTA NAGPORE,
The 11th September 1869. (F)

Notification.

EXTRA Assistant Commissioner, Mr. H. B. BEAMES, has been placed in charge of the Rajmehal Treasury from the 15th instant, and is authorized to draw Bills on other Treasuries.

J. W. DALRYMPLE,
Commr., Sonthal Pergunnahs.
BHAUGULPORE COMMR.'S OFFICE,
The 17th September 1869. (F)

Gilchrist Scholarship Examination.

NOTICE.

WITH reference to the Government Notification dated the 12th December 1868, published in the *Calcutta Gazette* of the 16th idem, page 2044, it is hereby notified that the next Examination for the Gilchrist Scholarships will be held on the 18th January 1870, at the Presidency College, Calcutta. Candidates must apply to the Director of Public Instruction, Bengal, before the 31st December 1869.

W. S. ATKINSON,
Director of Public Instruction.
DARJEELING,
The 17th September 1869. (F)

RETAIL PRICES OF FOOD AS REPORTED TO GOVERNMENT DURING THE WEEK ENDING 16TH OCTOBER 1869.

Number of Seers of 80 Tolahs weight retailed for a rupee.

AT	Date of Return from each District.	Cleaned Rice in Ordinary use.			Pulses in Ordinary use.			Wheat.		Attah.		Janera, Jowar and such Grains.	
		Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
Districts in which the prices are same or nearly the same.													
Durrung ...	4th Oct. 1869	8	32	16	10	18	13	16	12	8	5	*	*
Lackhimpore ...	4th ,,	9	13	10	4	10	9	7	8	4	4	*	*
Nowgong ...	4th ,,	10	12	16	20	16	25	12	*	6	4	*	*
Seebsaugor ...	2nd ,,	6	12	12	5	6	5	8	8	5	5	*	*
Nya-Doomka ...	11th ,,	15	24	16	12	16	15	20	10	12	7	40	90
Bancoorah ...	9th ,,	14	24	21	15	17	15½	15	11½	11	8½	32½	34
Singbhoom ...	11th ,,	16	30	24	16	24	22	15	14	10	10	*	*
Pooree ...	4th ,,	17 1/16	39⅜	21	11 1/16	23⅛	13½	21	5¼	15¾	3 1/16	*	*
Cachar ...	4th ,,	14¼	26	16 3/16	10⅛	13¼	11⅜	12	13 9/16	6	5¾	*	*
Sylhet ...	1st ,,	13½	29 1/16	21	8⅜	19⅛	22½	11	12	7⅛	8	*	*
Calcutta ...	16th ,,	9	15½	14	9	20	16¾	13¼	12	9	8	*	*
Bograh ...	11th ,,	16½	32½	22½	8	17	12	32	13	12	6½	*	*
District in which all or most articles are dearer.													
Lohardugga ...	9th Octr. 1869	10	40	24	6	17	16	13	8½	10	6	40	40
Districts in which some articles are dearer and some cheaper.													
Bhaugulpore ...	10th Oct. 1869	12¼	31½	17 1/16	12	47 5/16	17 1/16	27¾	13 9/16	20 3/16	11⅜	50½	30 5/16
Maunbhoom ...	8th ,,	16	26	26	13	36	21	15	13	10	8	60	40
Patna ...	9th ,,	13¾	21 3/16	17¾	10	22	12½	16 1/32	12¾	14 5/16	10	29 7/16	29
Sarun ...	10th ,,	12	25	17	9	35	14¼	28	11½	24	8	40	28
Tirhoot ...	9th ,,	14	27	19	10½	26	11	24	13	19	10	35	32½

* Information not supplied.

NOTE.—The returns for those districts which are omitted have not been received.

PUBLISHED for general information.

FORT WILLIAM,
The 19th October 1869.

H. S. BEADON,
Offg. Under-Secy. to the Govt. of Bengal. (F).

NOTICE.

List of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1869, Aug. 6th ...	2 Packages, Miss H. J. Higby, Bassein, Burmah, India, care of Revd. L. H. Van Meter ..	Cromwell.
July 14th ...	6 Packages, [D] ..	Benton.
,, 15th ...	195 Cases, [D N D P] ...	Ditto.
,, 22nd ...	1 Case, [N C] ...	Ditto.
,, 14th ...	1 Case, [M N M and G P M] P, 53 ...	Ditto.
,, 16th ...	1 Cask, N C ..	Ditto.
,, 22nd ..	1 Chair, no mark ..	Str. China.
,, 22nd ...	1 Parcel, S. and C. ...	Ditto.
,, 22nd ..	1 Tin Box, Major Matheson, Allahabad, care of Superintendent P. and O. S. N. Co. ..	Ditto.
Aug. 13th ...	2 Trusses, C ..	British Nation.
,, 26th ...	1 Parcel, Huber and Co. ...	Wiltshire.
,, 26th ...	1 Parcel, [D] Ker, Dodds and Co. ...	Ditto.
,, 26th ...	1 Parcel, M. Stewart and Co. ...	Ditto.
,, 26th ...	1 Parcel, Sunn ...	Ditto.
June 3rd ...	1 Cask, no mark ...	Unknown.
May 14th ..	15 Quarter Boxes Gunpowder, Moyapore Magazine, B. L. and Co. ...	Carnarvon Castle.
,, 14th ...	40 Quarter Barrels Gunpowder, Moyapore Magazine, W. H. and Co. ...	Ditto.
Sept. 8th ...	1 Cask, Y. G. and Co. ..	British Stateman.
,, 14th ...	1 Parcel, [J F C] ...	Saint Kilda.
Aug. 16th ...	4 Bales, P L ..	Arratoon Apcar.
,, 16th ...	1 Case, X ..	Ditto.
,, 10th ...	1 Bag, V M ...	Bushier.
,, 31st ...	6 Cases, [W and] N S ...	Mysore.
Sept. 2nd ...	1 Truss, 2 and 12 ...	Iron Side.
Aug. 10th ..	1 Package, D. B. Co. ...	Meinam.

Calcutta Customs,
The 9th October 1869.

J. A. Crawford,
Collector of Customs.

NOTICE.

The undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section 57 of Act VI. of 1863 :—

Date of Sale.	Mark or Address of Packages.	Ships.
1869, Oct. 26th ...	2 Chairs, no mark ...	Str. Deccan.
,, 26th ...	1 Case, [D N D P] ..	Ditto.
,, 26th ...	3 Packages, Colonel Sir A. Phayre, K. C. B. ...	Str. Mooltan.
,, 26th ...	1 Parcel, [M S D] C ..	Ditto.
,, 26th ...	8 Canes, no mark ..	Str. Lightning.
,, 26th ...	3 Cases, Maharajah of Hutwah, care of Gisborne and Co. ...	City of Lucknow.
,, 26th...	6 Mattrasses ... / 4 Pillows ... / 2 Empty Jars ... } no mark ...	Essex.

Calcutta Customs,
The 9th October 1869.

J. A. Crawford,
Collector of Customs.

NOTICE.

THE undermentioned Packages, landed under Section 52 of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section 56 of Act VI. of 1863 :—

Date of Sale.			
		City of Perth.	
1869, Oct. 26th ...	[J F C] 1 Parcel	...[R] W, Rentiers and Co.	
		Lake Lemon.	
1869, Oct. 26th ...		C and A C, 4 Drums.	
		Oriana.	
1869, Oct. 26th ...	H JE, 4 Cases	... [B. F. and Co., H P] 1 Case.	B. S. and Co., D. H. and Co., 1 Case.
		Chinsura.	
1869, Oct. 26th ...	S M S, 1 Parcel	... [J B S, G] R C, 1 Parcel.	
		City of Nankin.	
1869, Oct. 26th ...	I A M, 1 Parcel	...Watson, Green and Hart, 1 Parcel.	G and W H, 1 Parcel.
		City of Calcutta.	
1869, Nov. 12th ...		E C, 2 Cases.	

CALCUTTA CUSTOMS,
The 9th October 1869.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

		Benton.	
1869, Nov. 12th ...	[D N D P] 6 Cases	.. [N C] 1 Case	... [D] 9 Kegs.
„ 12th ...		J, 590 bundles Iron.	
		Rooparell.	
1869, Nov. 13th ...		No mark, 10 Barrels.	
		British Nation.	
1869, Nov. 12th ...	[D N D P] 81 Packages...	[D N D] 2 Casks.	
		India.	
1869, Nov. 24th ...		[J F C] 2 Parcels.	
		Calcutta.	
1869, Nov. 30th ...		C and C, H. S. K. and Co., 1 Cask.	
		British Stateman.	
1869, Dec. 4th ...	[23] W, 1 Case	...S C S, 1 Case	... C W W, 16 Casks.
„ 4th ...	W W W D, 1 Crate	...[L E V J] [L] Kettlewell, Bullen and Co., 1 Parcel.	
		City of Seringapatam.	
1869, Dec. 7th ...		Mackinnon, Mackenzie and Co., 1 Case.	
		Mysore.	
1869, Dec. 9th ...	[W and] N S, 2 Cases	...[D N D P] 8 Packages.	

CALCUTTA CUSTOMS,
The 9th October 1869.

J. A. CRAWFORD,
Collector of Customs.

(F)

Notice.

The following Rules are published for general information :—

Rules for the examination of Lime Juice.

1. All applications for the examination of Lime Juice intended for sale for the use of ships' crews must be addressed to the Inspector of Antiscorbutics at the Custom House, and must state where the Lime Juice is stored. The Inspector of Antiscorbutics will then appoint a time to examine the same.

In the event of any very large quantity being submitted for examination, notice should be given one clear day before that on which the examination is to be made.

2. The Lime Juice after being approved shall be fortified and bottled in the presence of the Inspector of Antiscorbutics, or of a Customs' Officer deputed by him.

3. The Lime Juice shall be fortified with 15 per centum (calculated at London-proof) of proper and palatable spirits, and shall be bottled in bottles of reputed quart size counting by measurement six to the gallon, and after being properly sealed, shall be secured by the approved label being fastened round the neck and on the seal of the bottle.

The label shall be of a yellow color and bear the following inscription :—

LIME JUICE.

Certified fit for Ships' use.

Inspector of Antiscorbutics.

4. Lime Juice to which duty-paid spirits shall be added, can at once be removed to the vendor's stores immediately after attachment of the label.

5. Lime Juice to which duty-free spirits are to be added must be deposited in a Licensed Warehouse, either by the owner making arrangements for such deposit with some one who has already a License for a Warehouse for storing wines and spirits, or else by his taking out a License for a Warehouse himself under the terms of Act VI. of 1863—The Consolidated Customs' Act.

6. Lime Juice to which duty-free spirits are to be added, shall be dealt with as regards fortifying, bottling, and labelling, as laid down in Rules 2 and 3, but must be kept in a Licensed Warehouse.

7. Lime Juice landed for rectification with spirits duty-free from a Licensed Warehouse under engagement to re-ship, must be dealt with as regards the fortifying and labelling under Rules 2 and 3, and be re-shipped under the terms of Section 183, Act VI. of 1863.

By Order of the Chief Customs Authority,

J. A. CRAWFORD,
Collector of Customs and Shipping Master.

CALCUTTA ;
Custom House,
The 27th September 1869. (F)

Notice

Is hereby given that the southern double Crane Jetty No. 4 will be available for the landing of cargo from Monday, the 25th instant.

Applications for mooring vessels at the Jetty should be made to the Master Attendant.

Vessels will be berthed at the Jetties according to priority of entry at the Custom House. A list of the entries will be sent daily to the Master Attendant.

The Jetties to be reserved at first solely for the discharge of cargoes.

The preference to be given always to vessels with miscellaneous or general cargoes.

No vessels with Railway Iron or Machinery to be moored at the Jetties.

Every vessel to commence working at 8 A. M., and to continue working (with a break of half an hour at 12-30 P. M.) up to 5 P. M.

No vessel to be allowed to lie at the Jetty without working.

Every vessel, directly that portion of its cargo which comes under the head of miscellaneous or general cargo has been put out, must be removed from the Jetty to other moorings in which her dead weight can be put out and export cargo be taken in.

No goods to be allowed to be in the sheds beyond 12 hours from time of being landed.

Goods left uncleared in the Jetty sheds to be removed to the Custom House, and all charges of removal to be paid by the owners and to be recoverable before removal from the Custom House.

Goods sent to the Custom House under Rule 8 to become liable to rent from time of receipt at the Custom House.

Until the Jetties are enclosed, the owners, importers and consignees of goods to have their own watchmen over such packages as cannot be received into the sheds, in the same manner as they now have their own goods watched on the river bank and out-shed of the Custom House.

By Order of the Chief Customs Authority,

J. A. CRAWFORD,
Collector of Customs.

CALCUTTA CUSTOM HOUSE,
The 4th October 1869. (F)

Notice.

AN authorized Bengalee translation of the Imperial Act VIII. of 1869 amending the Criminal Procedure Code can be obtained from Messrs. G. C. Hay and Co., Book-sellers, or at the Office of the *Calcutta Gazette*, at 12 annas a copy. (F)

Notice.

THE Singbhoom Annual Fair will be held as usual at Chyebassa during the last fortnight in December 1869.

(Sd.) E. G. LILLINGSTON,
Offg. Dy. Commr., Singbhoom.

CHYEBASSA,
The 30th September 1869. (F)

Notice.

An Examination for the certificate of competent knowledge for admission to the Entrance and First Arts' Examinations will be held at the Office of the Inspector of Schools, South-West Division, Midnapore, on the 25th October 1869.

Candidates for admission to the Entrance Examination must be private students, *i. e.*, those who have not attended any educational institution since the 1st June 1869, and they must bring with them some notice of their character from schools that they have attended, or from persons of respectability. The fee for this Examination is Rupees 2.

Candidates for the First Arts must be *bonâ fide* teachers of known schools in South-West Division, and must produce proof of their length of service for two years as teachers; or, if they have not completed the two years of service as teachers, they must show that they have completed the two years from passing the Entrance Examination partly as students in a College, and partly as teacher of such known schools. The fee for the Examination is Rupees 4.

R. L. Martin,
Inspector of Schools, South-West Divn.

Midnapore,
The 29th September 1869. (F)

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels on the 8th October 1869.

Names of Rivers.	Least depth of water.	Remarks.
	Ft. In.	
Matabangah.		
Above Entrance in Ganges...	35 9	
On the Entrance Shoal ...	18 9	
Thence to Hât Bouleah, 44 miles ...	23 6	
Hât Bouleah to Alickdeah...	18 0	
Alickdeah to Kissengunge, 38 miles ...	18 0	
Kissengunge to Hooghly River, 34 miles ...	20 0	
Bhagiruttee.		
Junction with Ganges ...	45 6	
Entrance ...	16 0	
Thence to Jungipore ...	13 6	
Thence to Jeagunge ...	18 9	
Jeagunge to Cutwa, 60 miles	20 9	
Cutwa to Nuddea, 46 miles.	28 0	
Jellinghee.		
Entrance ...	7 9	
Thence to Kurreempore, 19 miles ...	8 0	
Kurreempore to Teeakatta, 35 miles ...	18 3	
Teeakatta to Nuddea, 60 miles ...	26 9	

Height on Guage at Berhampore, on the 11th October 1869, 24 feet 2½ inches.

T. H. Wickes, C. E.,
Exe. Engr., Nuddea (Local) Rivers' Divn.

Berhampore,
The 11th October 1869. (F)

Educational Notice.

No. 2422.

An Examination for the certificate of reasonable expectation of passing the B. A. Examination will be held at the Office of the Inspector of Schools, Central Division, No. 2, Elysium Row, on the 16th and 17th November 1869, at 11 o'clock. Candidates must be *bonâ fide* teachers of known Schools in the Central Division, and must produce proof of their length of service for two years as teachers; or, if they have not completed the two years of service as teachers, they must shew that they have completed the two years from passing the First Arts' Examination partly as students in a College, and partly as teachers of such known Schools.

A fee of Rupees 5 will be required.

A written application, giving the particulars required by the University, must be sent to the Inspector previously.

C. A. Kelly, B. A., C. S.,
Offg. Inspector of Schools, Central Division.

Calcutta,
No. 2, Elysium Row,
The 4th October 1869. (F)

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels on the 15th October 1869.

Names of Rivers.	Least depth of water.	Remarks.
	Ft. In.	
Matabangah.		
Above Entrance in Ganges ...	37 0	
On the Entrance Shoal ...	18 6	
Thence to Hât Bouleah, 44 miles ...	24 0	
Hât Bouleah to Alickdeah ...	15 6	
Alickdeah to Kissengunge, 38 miles ...	17 6	
Kissengunge to Hooghly River, 34 miles ...	21 6	
Bhagiruttee.		
Junction with Ganges ...	46 3	
Entrance ...	15 0	
Thence to Jungypore ...	15 0	
Thence to Jeagunge ...	19 0	
Jeagunge to Cutwa, 60 miles	20 6	
Cutwa to Nuddea, 46 miles...	27 0	
Jellinghee.		
Entrance ...	7 6	
Thence to Kurreempore, 19 miles ...	10 0	
Kurreempore to Teeakatta, 35 miles ...	20 0	
Teeakatta to Nuddea, 60 miles	28 3	

Height on Guage at Berhampore, on the 18th October 1869, 26 feet 6½ inches.

T. H. Wickes, C. E.,
Exe. Engr., Nuddea (Local) Rivers' Divn.

Berhampore,
The 18th October 1869. (F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 3,000 acres, more or less, situated in Rungli Rungliot, known as Tanoom Mundul's Land at Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Rungjo Jhora.
South.—Land belonging to Mr. W. Lloyd.
East.—Government Forest Land.
West.—Straight line to Rungjo Jhora at right angles to the ridge so as to give an area of 3,000 acres. (F)

Notice

Is hereby given that a parcel of second class land, No. 38 of the unreserved lands adjoining to building site No. 18, situated at the Civil Station of Shillong, in the District of Khasi and Jynteah Hills, and containing about 3 acres of second class land as shewn in the plan thereof, having been applied for under the rules sanctioned in Bengal Government Order No. 3826 of the 18th November 1865, will be put up to sale by auction to the highest bidder at the upset price of Rs. 20 per acre, at the Office of the Deputy Commissioner of Khasi and Jynteah Hills, at Shillong, on the 7th October 1869.

The manner and Conditions of the Sale can be ascertained by intending purchasers by application to the undersigned.

R. STEWART,
Deputy Commissioner.

DEPUTY COMMR.'S OFFICE;
SHILLONG,
The 9th September 1869. (F)

Notice

Is hereby given that the Lot No. 12 of the unreserved building sites, situated at the Civil Station of Shillong, in the District of Khasi and Jynteah Hills, containing about 6 acres of first class land as shewn in the plan thereof, having been applied for under the rules sanctioned in the Bengal Government Order No. 3826 of the 18th November 1865, will be put up to sale by auction to the highest bidder at the upset price of Rs. 50 per acre, at the Deputy Commissioner's Office, Khasi and Jynteah Hills, at Shillong, on the 7th October 1869.

The manner and Conditions of the Sale can be ascertained by intending purchasers by application to the undersigned.

R. STEWART,
Deputy Commissioner.

DEPUTY COMMR.'S OFFICE;
SHILLONG,
The 9th September 1869. (F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 1,460 acres, more or less, situated in Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Truetler's Land.
South.—Government Forest Reserve.
West.—The Portong or Mungha River.
East.—The Balasun River. (F)

Notice

Is hereby given that the undermentioned lot of Waste Lands, estimated to consist of about 72 acres 2 roods and 20 poles, more or less, situated in Mouzah Captainpur, Pergunnah Rupaibali, Zillah Cachar, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by auction to the highest bidder above the upset price of Two Rupees and Eight Annas per acre, on the second day of December 1869, at the Office of the Deputy Commissioner of Cachar, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863:—

Boundaries.

East—Settled lands of Pattah, No. 81, belonging to Mohun Sing and others.

West and South.—Settled lands of Mouzah Captainpur.

North.—Boundary of Mouzah Beienakandy. contained in Dags Nos. 412, 413, 414, 429, 430, 432, 433, 435, 436, 437 and 439.

O. G. R. MCWILLIAM,
Offg. Deputy Commissioner.

CACHAR DEPUTY COMMISSIONER'S OFFICE,
The 2nd September 1869. (F)

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Alfred Isaac Meyer, an Insolvent. } On Saturday, the 2nd day of October instant, it was ordered that the application of the said Insolvent for the dismissal of his petition seeking for relief under the Act XI. Vic., cap. 21, do stand over until the 4th day of December next.

Rogers and Remfry, *Attorneys.*

Chief Clerk's Office, the *October* 1869.

Victoria Tea Company, Limited.

NOTICE is hereby given that an Extraordinary General Meeting of Shareholders of the Victoria Tea Company, Limited, will be held at noon, on the sixth day of November next, at the registered Office of the Company, No. 104, Clive Street, in order to confirm the Resolution to be proposed at the Extraordinary General Meeting of Shareholders to be held on the 8th October.

Dated the seventh day of October 1869.

By Order of the Directors,

BORRADAILE, SCHILLER & Co.,

(139—4) *Agents and Secretaries.*

Beerbhoom Coal Company, "Limited."

NOTICE is hereby given that the Half-yearly Ordinary General Meeting of the Shareholders of this Company will be held at the registered Office of the Company, No. 1, Hare Street, Calcutta, on Saturday, the 30th instant, at noon, for the purpose of receiving the Directors' Report and passing the Accounts for the Half-year ending the 31st July 1869.

J. E. MACLACHLAN,
Managing Director.

1, HARE STREET; *Calcutta,* *The 13th October* 1869. } (144—2)

Desirable Investment for Engineers

OR OTHER PERSONS ENGAGED OR INTERESTED IN THE STEAM SHIPPING OF THE RIVER "HOOGHLY."

FOR SALE by public auction on an early day, (unless previously disposed of by private treaty,) under the power of sale contained in the mortgage deed, and subject to the conditions to be hereafter produced.

The stock in trade, plant, erections, machinery, and fittings in and upon *the premises No.* 44, *Garden Reach*, also the Good-will of the business of Mechanical Engineers, Founders, and Engine Fitters, now carried on by Messrs. Chance, Thompson and Co., at Garden Reach aforesaid, and the Lease of the premises, as well as the book debts, securities, and contracts of the above-named firm.

For further particulars enquire of Messrs. Rogers and Remfry, Solicitors, Calcutta.

5, FANCY LANE, *The 18th October* 1869. } (145—2)

The East India Tea Company, "Limited."

THE Half-yearly Ordinary General Meeting of the Shareholders of this Company will be held at the registered Office, No. 7, Church Lane, on Saturday, the 30th October, at noon, to receive the Directors' Report and Accounts for the Half-year ending 30th June 1869.

R. BLECHYNDEN,
Secretary.

CALCUTTA, *The 9th October* 1869. } (143—2)

Notice.

MR. JAMES HEGGIE MUDIE has this day been admitted a Partner in our Firm.

GLADSTONE, WYLLIE AND Co.

CALCUTTA, *The 11th October* 1869. } (142—3)

Notice.

Two good rooms available for Office accommodation at the Office of the Commissioner of the Presidency Division, No. 3, Theatre Road. Rent, Rupees 65 a month.

(13—*f. n.*)

Notice.

Supposed to have been lost in transit from England.

FIRST-HALVES of the following 5½ per cent. and 15 years' Debenture Notes, renewal of which has been stopped:—

No. 011977 of 1859-60, 5½ per cent.,		Rs.	5,000
„ 011701	„ „	„	5,000
„ 011702	„ „	„	5,000
„ 011703	„ „	„	5,000
Second-half:			
No. 012866 of 1859-60, 5½ per cent.,		Rs.	10,000
		Rs.	30,000

15 years' Debenture.

Second-halves:

No. 001969 of 1867, 5 per cent.,		Rs.	1,000
„ 001970	„ „	„	1,000
„ 001971	„ „	„	1,000
„ 001972	„ „	„	1,000
„ 001973	„ „	„	1,000
„ 001974	„ „	„	1,000
„ 001975	„ „	„	1,000
„ 001976	„ „	„	5,000
„ 001977	„ „	„	5,000
„ 001978	„ „	„	5,000
„ 001979	„ „	„	5,000
„ 001963	„ „	„	5,000
„ 001964	„ „	„	5,000
„ 001965	„ „	„	5,000
„ 001966	„ „	„	5,000
„ 001967	„ „	„	5,000
„ 001968	„ „	„	5,000
		Rs.	57,000

WATTENBACH, HEILGERS & Co.

CALCUTTA, *The 8th October* 1869. } (141—3)

Notice.

Supposed to have been lost in transit from England.

HALVES of the following fifteen years' Debenture Notes of 1867, renewal of which has been stopped :—

No. 000107-110	4	Notes, each	10,000	Rs. 40,000
,, 000116	1	Note		,, 10,000
,, 000419-420	2	,, each	10,000	,, 20,000
,, 000765	1	Note		,, 5,000
,, 000890	1	,, ...		,, 5,000
,, 001926 } 1707 }	1	,, ...		,, 10,000
,, 0000031	1	,, ...		,, 10,000
				Rs. ... 1,00,000

WATTENBACH, HEILGERS & Co.

CALCUTTA,
The 29th September 1869. (130—3)

CURRENCY NOTES.

Extract from Financial Department Notification, No. 1004A., dated Simla, 30th July 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed Note, or portion of Note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the Note is payable, and *once* in the *Gazette of India*.

Lost,

THE half of the following Currency Note :—
No. A32—07186, for Rs. 10.
E. ALMEIDA.

FIRST-HALF of a Currency Note :—
No A62—32855, for Rs. 10.
KHETTER CHUNDER BOSE.

A FULL Government Currency Note of 20th July 1867 :—
No. E3—02783, for Rs. 100.
Apply to Messrs. A. Scott and Co., at Murree.

IN an unregistered letter, halves of the following Currency Notes :—
No. A18—37002, for Rs. 10, Allahabad Circle.
,, A52—80980, ,, ,, 20, Calcutta Circle.
,, C47—81222, ,, ,, 20, Bombay Circle.
SHAIK ABDOOL SUNNUD.

HALVES of the following Currency Notes :—
Left-half of No. A58—96100, for Rs. 100.
,, ,, A34—68702, ,, 20.
,, ,, A53—47259, ,, 20.
Right-half of No. A53—01929, ,, 20.
,, ,, A45—22739, ,, 20.
SREE GOPAL PAUL CHOWDRY.

A CURRENCY Note, the serial letter and number of which are not known :—
No. 89659, for Rs. 100.
SREENATH DEY.

IN an unregistered letter, half of the following Currency Note :—
No. A71—85162, for Rs. 20.
RAMRUTTON GHOSE.

FIRST-HALF of following Currency Note, belonging to Staff Surgeon-Major Macbeth, intimation of loss given to the Currency Office, Calcutta :—
No. A35—92581, dated 4th January 1867, for Rupees 50.
A. G. MAYNE.

HALF of the following Currency Note :—
No. A54—11858, for Rupees 20.
LUCKHEERAM MOHOTUM.

A GOVERNMENT Currency Note, intimation of loss given to the Currency Office, Calcutta.
No. A64—18525, for Rupees 100.
TARANATHA TARKAVACHASPATI.

HALVES of the following Government Currency Notes :—
No. A58—99445, for Rs. 100.
,, A42—04805 } for Rs. 10 each.
,, A41—80956 }
W. A.

THE following Currency Notes between Damzen's Lane and the General Post Office, Calcutta :—
No. A64—16010 }
,, A64—16011 } for Rs. 100 each.
,, A64—03630 }
,, A59—65674, ,, ,, 100.
,, A56—71179 }
,, A56—79411 } ,, ,, 50 each.
ALLY BUX.

Wrongly joined.

THE following wrongly joined Currency Notes received in the course of business :—
First-half No. A71—87156 } Rs. 20.
Second-half No. A71—87162 }
First-half No. A48—78697 } Rs. 10.
Second-half No. A48—78673 }
First-half No. A6—79320 } Rs. 10.
Second-half No. A6—79319 }
DOYAL CHAND SEN.

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(133—*f. n.*)

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(F)

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No 4, HASTINGS' STREET.

1866.

(21—from 25-7-66, *f. n.*)

Postal Notices.

SEA AND OVERLAND MAILS.

For	Box closes at	Per
Akyab, Rangoon, and Moulmein ...	6 P. M. on the 21st Oct.	Steamer *Arabia*.
Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Cochin, Beypore, Calicut, Cannanore, Mangalore, Cawar and Bombay ..	,, ,, 18th ,,	,, *Oriental*.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office, during the week e
16th October 1869.

Aviet, G.	Ellis, T. A. H.	Keamer, J.	Reid, Mrs. R. M.
Atkinson, A. H., (55th Regt.)	Falcon, A. B.	Keldar Nauth Mitter.	Roberts, C. E.
A. B. C.	Flintoff, T.	Keiander, J. T.	Ridsdale, R. C. H.
Burrowes.	Franz, N.	King, J. S. (107th Regt.)	Robinson, Mrs. A.
Bell, Major W. M.	Fitzpatrick, P.	Kendal, W.	Sweney, Mrs. E.
Badcock, A. G.	Gunness, M.	Lambert, J.	Strover, Mr. E.
Bell, Mrs. A.	Gooptoo & Co.	Lewis, R. W.	Suty Muty Relief Fu
Bernard Mr. M.	Gonsalves, J.	Levera, L.	Slack, G. W.
Brews, T.	Gungagobind Nundy.	Lawrie, L. S.	St. Eyr Dedcor Serre.
Barlow, J. A. (107th Regt.)	Gomes, E. L.	Lee, Miss.	Shib Chunder Sing.
Buckle, D.	Godley, J.	Leigh.	Smith, G.
Boswell, Mrs.	Gartner, H.	Mate, Mrs. S.	Sinclair, R.
Bisonauth Dutt and Dhur.	Gilbert.	Mooney Mrojein.	Smith, Miss.
Borewallah, Juthoo.	Heesie, A.	Macdonald, G.	Scott, Mrs. M.
Cowdell, E J.	Haworth, Mrs.	Mutty Lall Sing.	Sautanas James H.
Colle, Lieutenant A.	Harris, J. G.	M'Donougah, Mrs. H.	Sampson, Mrs. A.
Collis, Miss A.	Hampton, G. B.	Macleod, Miss C.	Thomas, Miss A. E.
Clark, J. S.	Haddie, T. P.	Miller, W. A.	Tornhill, J. H.
David, Mrs.	Hart, F.	Mathews, A. M.	Teran, Leok.
Deakens R.	Hume, R.	Maelzie, Mr. J. G.	Thomson, G.
Davis, C. J.	Howard, Miss M.	Ottara, W.	Tuney, A.
D'Cruz, C.	Harvey, W. D.	Pascaul, A.	Thompson, M.
Dodson, Dr. F. A.	Hutchinson, T. H. (4th Lancers.)	Powell, T.	Tydd, Miss.
Domingo, F.	Jones, E.	Pasceal, S.	Vallenti, Miss M.
D'Lavauzred, J. S.	Jacob,	Peter, S.	Umritto Lall Nauth.
Day, W.	Jehanger & Co.	Radford, J. M.	Umrith Sing.
Davies, H. H.	Juddonauth Chatterjee.	Reanadin, Miss M. J.	Wittenbaker A. F.
Drake, H.	James, Miss.	Richardson, (6th B. C.)	Willson, W. G.
English, Mrs. M. A.	Jore, C.	Rodrigues, L. E.	Williams, M. C.
Englehart, V. P. W.	Issur Chunder Bose.	Rose, P.	Williamson, F. R.
Eken, J.	Johnson, Cape.	Ryper, H. T.	Wills, E. R.

CALCUTTA POST OFFICE,
The 16th October 1869.

E. C. GEORGE,
Offg. Post-Master of Calcut

Printed and Published for the Government by EDWIN MORRIS LEWIS, *at the Office of the Bengal Secretariat, Calcutta.*

No. 43 of 1869

The Calcutta Gazette.

WEDNESDAY, OCTOBER 27, 1869.

Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill and Statement of Objects and Reasons are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 16 of 1869.

THE COURT FEES BILL, 1869.

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THE COURT FEES BILL, 1869.

CHAPTER I.—PRELIMINARY.

Short Title.

1. This Act may be called "The Court Fees Act, 1869:"

Extent of Act.

It extends to the whole of British India;

Commencement of Act.

And it shall come into force on the first day of January 1870.

Repeal of enactments.

2. On and after that day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

CHAPTER II.—FEES LEVIABLE IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY TOWNS.

Levy of fees in High Courts on their original side and in Presidency Small Cause Courts.

3. Such fees as are for the time being chargeable in each of the High Courts established by Letters Patent and their several offices by virtue of the power conferred upon them by Statute twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four, section fifteen, or under Nos. 6 and 9 of the first, and Nos. 7, 9, 10 and 12 of the second, schedule to this Act annexed;

and such fees as are for the time being chargeable in the Courts of Small Causes at the Presidency Towns and their several offices;

shall be levied in manner hereinafter appearing.

Fees on instruments filed in High Courts on their appellate side.

4. No instrument of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the said High Courts in any case coming before such Court in the exercise of its appellate jurisdiction under section fifteen of the Letters Patent under which it is constituted;

or in the exercise of its extraordinary original jurisdiction under sections thirteen and twenty-four of the same Letters Patent;

or as a Court of appeal, reference or revision under sections twenty-seven and twenty-eight of the said Letters Patent;

unless in respect of such instrument there be paid a fee of an amount not less than that indicated by the said schedules as the proper fee for such instrument.

Procedure in case of difference as to necessity of paying a fee.

5. If any difference arise between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in a High Court, be referred to the taxing officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of such High Court.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

CHAPTER III.—FEES LEVIABLE IN OTHER COURTS.

Fee on instrument filed in Mofussil Courts or in Government Offices.

6. Except in the Courts hereinbefore mentioned, no instrument of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice or Government Office, or shall be received or furnished by any public officer, unless in respect of such instrument there be paid a fee of an amount not less than that indicated in either of the said schedules to be the proper fee for such instrument.

Computation of fees payable in certain suits.

7. The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:—

For money.

(1.) In suits for money (including suits for damages or compensation) ——according to the amount claimed:

For other moveable property.

(2.) In suits for moveable property other than money——according to the market-value of the subject-matter of the suit at the date of filing the plaint, or (where the subject-matter has no market-value, as, for instance, in the case of accounts or of documents relating to title) according to the amount at which the subject-matter is estimated in the petition of plaint or appeal:

For maintenance and annuities.

(3.) In suits for maintenance and annuities ——according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year:

For land.

(4.) In suits for land——according to the value of the subject-matter of the suit; and such value shall be deemed to be—

(*a.*) where the land forms an entire estate paying annual revenue to Government,

or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue,

and such revenue is permanently settled,

ten times the revenue so payable;

(*b.*) where the land forms part of an entire estate paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled but not permanently,

five times the revenue so payable;

(*c.*) where the land pays no such revenue, fifteen times the net profits arising therefrom during the year next before the date of presenting the petition of plaint or appeal:

Proviso as to Bombay Presidency.

Provided that in the territories subject to the Governor of Bombay in Council, such value shall be deemed to be—

(*a.*) where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government, a sum equal to five times the survey assessment;

(*b.*) where the land is held on a permanent settlement, or on a settlement, for any period exceeding thirty years, and pays the full assessment to Government, a sum equal to ten times the survey assessment; and

(*c.*) where the whole or any part of the annual survey assessment is remitted, a sum computed under clause (*a.*) or (*b.*) of this proviso, as the case may be, in addition to ten times the assessment or the portion of assessment, so remitted:

For houses, gardens, and portions of revenue-paying estates.

(5.) In suits for houses, for gardens and for land forming part of an estate paying revenue to Government, but not separately assessed as mentioned in paragraph four of this section,——according to

the market-value of the subject-matter of the suit; and

(6.) In suits (other than suits for money) between landlord and tenant,——according to the amount of the rent of the land to which the suit refers payable for the year next before the date of filing the plaint.

Between landlord and tenant.

8. In order to ascertain the market-value or the annual net profits of any such land, house or garden as is mentioned in section seven, paragraphs four and five, for the purpose of computing the fee leviable on the institution of a suit relating thereto, the Court may either of its own motion, or on the application of any party to the suit, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court, and the decision of the Court as to such market-value or profits shall, for the purpose aforesaid, be final.

Power to ascertain market-value or net profits.

9. If in the result of any such investigation the Court shall find that the market-value or net profits has or have been erroneously estimated, the Court shall either, as the case may be, refund the excess paid as such fee, or require the plaintiff to pay so much additional fee as would have been payable had the said market-value or net profits been correctly estimated; and in such case the suit shall be stayed until the additional fee shall have been paid.

Procedure where market-value or net profits erroneously estimated.

Section 180 of the Code of Civil Procedure shall be construed as if the words "the market-value of any property in suit or" were inserted after the word "ascertaining," and as if the words "or annual net profits" were inserted after the word "damages."

10. In suits for mesne profits or for immoveable property and mesne profits, if the profits decreed are in excess of the profits claimed, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so decreed shall have been paid to the proper officer.

Procedure in suits for mesne profits when profits decreed exceed profits claimed.

Such difference shall be calculated by the Court according to the rules above-mentioned, and shall be costs in the suit.

11. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in section 351 of the same Code, for a second decision by the lower Court, the appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the petition of appeal:

Refund of fee paid on petition of appeal.

Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

12. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and, on the hearing of such appeal, the respondent takes, under section 348 of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

Additional fee where respondent takes objection to unappealed part of decree.

Such additional fee shall be calculated by the Court according to the rules above-mentioned, and shall be costs in the suit.

13. All questions relating to valuation for the purpose of determining the amount of fee chargeable under this chapter on a petition of plaint or of appeal, shall be decided by the Court in which such petition is filed, and except as provided by section eight, shall be subject to any appeal to which the orders of such Court are open.

Decision of questions as to valuation.

14. Nothing contained in this Act shall render the following instruments liable to duty:—

Exemption of certain instruments.

(1.) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit in any Criminal Court.

(2.) Application or petition to a Collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land, or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

(3.) Application for permission to cut timber in Government forests, or otherwise relating to such forests.

(4.) Application for the payment of money due by Government to the applicant.

(5.) Power of attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of Her Majesty's Army not in civil employment.

(6.) Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

(7.) Petition, application, charge, or information respecting any offence, when presented, made or laid to or before a Police officer, or to or before the heads of villages or the village Police in the territories respectively subject to the Governors in Council of Madras and Bombay.

(8.) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

(9.) Petition of appeal against the chaukídárí assessment under Act No. XX of 1856, or against any municipal tax.

(10.) Petition of plaint presented to a Military Court of Requests.

(11.) Petition by a Municipal Officer to a Municipal Commissioner relating to offences against the Act under which the Commissioner is appointed.

CHAPTER IV.—Of the mode of levying Fees.

Collection of fees by stamps.

15. All fees leviable under this Act shall be collected by stamps.

Stamps to be impressed or adhesive.

16. All or any stamps to be used under this Act shall be impressed or adhesive as the Local Government may, from time to time, direct.

Rules for use, renewal and keeping accounts of stamps.

17. The Local Government may, from time to time, make rules for regulating the use of stamps under this Act, for the renewal of damaged or spoiled stamps, and for keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section four in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

Stamping documents inadvertently received.

18. No document which ought to bear a stamp under this Act shall be of any validity, uless and until it is properly stamped; but if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that the same be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended document.

19. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

20. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled. Such officer as the Court or the head of the office shall, from time to time, appoint shall effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER V.—Miscellaneous.

Rules for sale of stamps.

21. In the General Stamp Act, 1869, section forty-eight shall be read as if for the words and figures "Act No. XXVI of 1867," the words and figures "The Court Fees Act, 1869," were substituted.

Power to reduce or remit fees.

22. The Governor General of India in Council may, from time to time, by a notification in the *Gazette of India*, reduce or remit in the whole or in any part of British India the fees prescribed by this Act for all or any of the instruments referred to in section six;

and may in like manner cancel or vary such order.

Saving of fees to sheriff and attorneys.

23. Nothing in Chapter IV of this Act shall apply to the fees allowed to the sheriff or attorneys of a High Court, or to the fees which any officer of such Court shall be allowed to receive in addition to any fixed salary.

Fixing time for service or execution of process.

24. Whenever an application for service or execution of process is granted, the Court granting the same shall fix the time within which the process shall be served or executed, and after the expiration of such time, if the process shall not have been served or executed, and if the applicant still desire its service or execution, a fresh application shall be necessary.

SCHEDULE I.

Ad valorem fees.

		Proper Fee. Rs. As. P.
1. Petition of plaint or appeal (not otherwise provided for in this Act or any Act passed by the Council of the Governor General for making Laws and Regulations), presented to any Civil or Revenue Court, except those mentioned in section four of this Act.*	When the amount or value of the subject-matter sought to be recovered in such suit or appeal does not exceed Rupees 5.	0 6 0
	When such amount or value exceeds Rupees 5, For every Rupees 5, or part thereof, in excess of Rupees 5, up to Rupees 100.	0 6 0
	When such amount or value exceeds Rupees 100, For every Rupees 10, or part thereof, in excess of Rupees 100, up to Rupees 1,000.	0 12 0
	When such amount or value exceeds Rupees 1,000, For every Rupees 100, or part thereof, in excess of Rupees 1,000 up to Rupees 5,000.	5 0 0
	When such amount or value exceeds Rupees 5,000, For every Rupees 250, or part thereof, in excess of Rupees 5,000 up to Rupees 10,000.	10 0 0
	When such amount or value exceeds Rupees 10,000, For every Rupees 500, or part thereof, in excess of Rupees 10,000, up to Rupees 20,000.	15 0 0
	When such amount or value exceeds Rupees 20,000, For every Rupees 1,000, or part thereof, in excess of Rupees 20,000, up to Rupees 30,000.	20 0 0
	When such amount or value exceeds Rupees 30,000, For every Rupees 2,000, or part thereof, in excess of Rupees 30,000 up to Rupees 50,000.	20 0 0
	When such amount or value exceeds Rupees 50,000, For every Rupees 5,000 or part thereof, in excess of Rupees 50,000.	25 0 0
	Provided that the maximum fee leviable on a petition of plaint or appeal shall be Rupees 5,000.	
2. Copy or translation of a judgment or order, not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority,—	
	(*a.*)—If the amount or value of the subject-matter is fifty, or less than fifty, rupees.	0 4 0
	(*b.*)—If such amount or value exceeds fifty rupees ...	0 8 0
	When such judgment or order is passed by a High Court..	1 0 0
3. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court, other than a High Court, or by any Revenue Court,—	
	(*a.*)—If the amount or value of the subject-matter of the suit wherein such decree or order is made, is fifty or less than fifty rupees.	0 8 0
	(*b.*)—If such amount or value exceeds fifty rupees ...	1 0 0
	When such decree or order is made by a High Court ...	4 0 0
4. Copy of any instrument or writing liable to stamp-duty under the General Stamp Act, 1869, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a.*)—When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.
	(*b.*)—In any other case ...	0 8 0
5. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like taken out of any Civil or Criminal Court or Office, or from the Office of any chief officer charged with the executive administration of a Division or Department.	For each folio of 360 words ...	0 8 0

* To ascertain the proper fee leviable on the institution of a suit, see the Table annexed to this Schedule.

SCHEDULE I.—(*Continued.*)

		Proper Fee. Rs. As. P.
6. Probate of a will granted under the Indian Succession Act, 1865.	If the amount or value of the property comprised in the will does not exceeds Rupees 500.	1 0 0
	If such amount or value exceeds Rupees 500, but does not exceed Rupees 1,000.	10 0 0
	For every Rupees 1,000 or part thereof in excess of Rupees 1,000 up to Rupees 20,000.	20 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 20,000 up to Rupees 40,000.	50 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 40,000 up to Rupees 1,00,000.	100 0 0
	For every Rupees 10,000 or part thereof in excess of Rupees 100,000 up to Rupees 2,00,000.	150 0 0
	For every Rupees 50,000 or part thereof in excess of Rupees 2,00,000 up to Rupees 5,00,000.	500 0 0
	And for every Rupees 1,00,000, or part thereof in excess of Rupees 5,00,000.	1,000 0 0
7. Certificate of administration granted under Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*).	If the amount or value of the property in respect to which such certificate is granted does not exceed Rupees 500.	5 0 0
	If such amount or value exceeds Rupees 500 but not Rupees 1,000.	10 0 0
	And for every Rupees 1,000 or part thereof in excess of Rupees 1,000.	5 0 0
8. Certificate of administration granted under Act No. XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*).	If the amount of debts or value of the property in respect of which such certificate or letters is or are granted does not exceed Rupees 500.	5 0 0
	If such amount or value exceeds Rupees 500, but does not exceed Rupees 1,000.	15 0 0
	For every Rupees 1,000 or part thereof in excess of Rupees 1,000 up to Rupees 2,000.	30 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 20,000 up to Rupees 40,000.	75 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 40,000 up to Rupees 1,00,000.	150 0 0
9. Letters of administration granted under the Indian Succession Act, 1865.	For every Rupees 10,000 or part thereof in excess of Rupees 1,00,000 up to Rupees 2,00,000.	225 0 0
	For every Rupees 50,000 or part thereof in excess of Rupees 2,00,000 up to Rupees 5,00,000.	750 0 0
	For every Rupees 1,00,000 or part thereof in excess of Rupees 5,00,000.	1,500 0 0
	NOTE.—The person to whom any such certificate or letters is or are granted, or his representative shall, after the expiration of twelve months from the date of such certificate or letters and thereafter whenever the Court which granted such certificate or letters shall require him so to do, file a statement on oath of all monies recovered or realised by him under such certificate or letters, and if the monies so recovered or realised shall exceed the amount of debts or other property as sworn to by the person to whom the certificate or letters is or are granted, the Court may cancel the same, and order such person to take out a fresh certificate or letters, as the case may be, and pay the fee prescribed by this schedule for such excess. In default of filing such statement within the time allowed, the Court may cancel the certificate or letters, as the case may be.	

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds	But does not exceed	Rs.	As.	P.
Rs.	Rs.			
.....	5	0	6	0
5	10	0	12	0
10	15	1	2	0
15	20	1	8	0
20	25	1	14	0
25	30	2	4	0
30	35	2	10	0
35	40	3	0	0
40	45	3	6	0
45	50	3	12	0
50	55	4	2	0
55	60	4	8	0
60	65	4	14	0
65	70	5	4	0
70	75	5	10	0
75	80	6	0	0
80	85	6	6	0
85	90	6	12	0
90	95	7	2	0
95	100	7	8	0
100	110	8	4	0
110	120	9	0	0
120	130	9	12	0
130	140	10	8	0
140	150	11	4	0
150	160	12	0	0
160	170	12	12	0
170	180	13	8	0
180	190	14	4	0
190	200	15	0	0
200	210	15	12	0
210	220	16	8	0
220	230	17	4	0
230	240	18	0	0
240	250	18	12	0
250	260	19	8	0
260	270	20	4	0
270	280	21	0	0
280	290	21	12	0
290	300	22	8	0
300	310	23	4	0
310	320	24	0	0
320	330	24	12	0
330	340	25	8	0
340	350	26	4	0
350	360	27	0	0
360	370	27	12	0
370	380	28	8	0
380	390	29	4	0
390	400	30	0	0
400	410	30	12	0
410	420	31	8	0
420	430	32	4	0
430	440	33	0	0
440	450	33	12	0
450	460	34	8	0
460	470	35	4	0
470	480	36	0	0
480	490	36	12	0
490	500	37	8	0
500	510	38	4	0

Table of rates of ad valorem fees, &c.,—Continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Rs.	As.	P.
Rs.	Rs.			
510	520	39	0	0
520	530	39	12	0
530	540	40	8	0
540	550	41	4	0
550	560	42	0	0
560	570	42	12	0
570	580	43	8	0
580	590	44	4	0
590	600	45	0	0
600	610	45	12	0
610	620	46	8	0
620	630	47	4	0
630	640	48	0	0
640	650	48	12	0
650	660	49	8	0
660	670	50	4	0
670	680	51	0	0
680	690	51	12	0
690	700	52	8	0
700	710	53	4	0
710	720	54	0	0
720	730	54	12	0
730	740	55	8	0
740	750	56	4	0
750	760	57	0	0
760	770	57	12	0
770	780	58	8	0
780	790	59	4	0
790	800	60	0	0
800	810	60	12	0
810	820	61	8	0
820	830	62	4	0
830	840	63	0	0
840	850	63	12	0
850	860	64	8	0
860	870	65	4	0
870	880	66	0	0
880	890	66	12	0
890	900	67	8	0
900	910	68	4	0
910	920	69	0	0
920	930	69	12	0
930	940	70	8	0
940	950	71	4	0
950	960	72	0	0
960	970	72	12	0
970	980	73	8	0
980	990	74	4	0
990	1,000	75	0	0
1,000	1,100	80	0	0
1,100	1,200	85	0	0
1,200	1,300	90	0	0
1,300	1,400	95	0	0
1,400	1,500	100	0	0
1,500	1,600	105	0	0
1,600	1,700	110	0	0
1,700	1,800	115	0	0
1,800	1,900	120	0	0
1,900	2,000	125	0	0
2,000	2,100	130	0	0
2,100	2,200	135	0	0
2,200	2,300	140	0	0

Table of rates of ad valorem fees, &c.,—Continued.

When the amount or value of the subject-matter exceeds	But does not exceed			
Rs.	Rs.			
2,300	2,400	145	0	0
2,400	2,500	150	0	0
2,500	2,600	155	0	0
2,600	2,700	160	0	0
2,700	2,800	165	0	0
2,800	2,900	170	0	0
2,900	3,000	175	0	0
3,000	3,100	180	0	0
3,100	3,200	185	0	0
3,200	3,300	190	0	0
3,300	3,400	195	0	0
3,400	3,500	200	0	0
3,500	3,600	205	0	0
3,600	3,700	210	0	0
3,700	3,800	215	0	0
3,800	3,900	220	0	0
3,900	4,000	225	0	0
4,000	4,100	230	0	0
4,100	4,200	235	0	0
4,200	4,300	240	0	0
4,300	4,400	245	0	0
4,400	4,500	250	0	0
4,500	4,600	255	0	0
4,600	4,700	260	0	0
4,700	4,800	265	0	0
4,800	4,900	270	0	0
4,900	5,000	275	0	0
5,000	5,250	285	0	0
5,250	5,500	295	0	0
5,500	5,750	305	0	0
5,750	6,000	315	0	0
6,000	6,250	325	0	0
6,250	6,500	335	0	0
6,500	6,750	345	0	0
6,750	7,000	355	0	0
7,000	7,250	365	0	0
7,250	7,500	375	0	0
7,500	7,750	385	0	0
7,750	8,000	395	0	0
8,000	8,250	405	0	0
8,250	8,500	415	0	0
8,500	8,750	425	0	0
8,750	9,000	435	0	0
9,000	9,250	445	0	0
9,250	9,500	455	0	0
9,500	9,750	465	0	0
9,750	10,000	475	0	0
10,000	10,500	490	0	0
10,500	11,000	505	0	0
11,000	11,500	520	0	0

Table of rates of ad valorem fees, &c.,—Concluded.

When the amount or value of the subject-matter exceeds.	But does not exceed			
Rs.	Rs.	Rs.	As.	P.
11,500	12,000	535	0	0
12,000	12,500	550	0	0
12,500	13,000	565	0	0
13,000	13,500	580	0	0
13,500	14,000	595	0	0
14,000	14,500	610	0	0
14,500	15,000	625	0	0
15,000	15,500	640	0	0
15,500	16,000	655	0	0
16,000	16,500	670	0	0
16,500	17,000	685	0	0
17,000	17,500	700	0	0
17,500	18,000	715	0	0
18,000	18,500	730	0	0
18,500	19,000	745	0	0
19,000	19,500	760	0	0
19,500	20,000	775	0	0
20,000	21,000	795	0	0
21,000	22,000	815	0	0
22,000	23,000	835	0	0
23,000	24,000	855	0	0
24,000	25,000	875	0	0
25,000	26,000	895	0	0
26,000	27,000	915	0	0
27,000	28,000	935	0	0
28,000	29,000	955	0	0
29,000	30,000	975	0	0
30,000	32,000	995	0	0
32,000	34,000	1,015	0	0
34,000	36,000	1,035	0	0
36,000	38,000	1,055	0	0
38,000	40,000	1,075	0	0
40,000	42,000	1,095	0	0
42,000	44,000	1,115	0	0
44,000	46,000	1,135	0	0
46,000	48,000	1,155	0	0
48,000	50,000	1,175	0	0
50,000	55,000	1,200	0	0
55,000	60,000	1,225	0	0
60,000	65,000	1,250	0	0
65,000	70,000	1,275	0	0
70,000	75,000	1,300	0	0
75,000	80,000	1,325	0	0
80,000	85,000	1,350	0	0
85,000	90,000	1,375	0	0
90,000	95,000	1,400	0	0
95,000	1,00,000	1,425	0	0
1,00,000	2,00,000	1,925	0	0
2,00,000	3,00,000	2,425	0	0
3,00,000	4,00,000	2,925	0	0

SCHEDULE II.

Fixed Fees.

		Proper Fee.
1. Application or petition.	*(a.)* When presented to any officer of the Customs or Excise Department or any other executive officer by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealing;	One anna.
	or when presented to any officer of Land Revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such land;	
	or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the petition relates solely to such conservancy or improvement;	
	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Cantonment Magistrate sitting as a Court of Civil Judicature under Act No. III of 1859, or to any Court of Small Causes constituted under Act No. XI of 1865, or Act No. XVI of 1868, section 20, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	
	or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	
	(b.) When first presented to any Civil or Revenue Court for service or execution of process.	Twelve annas.
	Whenever presented to such Court after the expiration of the time fixed under section twenty-four of this Act for such service or execution.	Eight annas
	(c.) When containing a complaint or charge of any offence other than an offence for which Police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court;	Eight annas.
	or when relating to any matter not otherwise provided for by this Act, and presented to a Civil, Criminal or Revenue Court, or to a Collector, or any revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity.	
	(d.) When presented to a Chief Commissioner or other chief controlling revenue or executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division or Department.	One rupee.

SCHEDULE II.—*(Continued.)*

		Proper Fee.
2. Plaint in suit under sections 5, 6, 11, 14 or 25 of the Punjáb Tenancy Act, 1868 ...	.. ..	Eight annas.
3. Bail-bond or other instrument of obligation not otherwise provided for by this Act, when given by the direction of any court or executive authority ...	... ...	Eight annas.
4. Petition of appeal under the Indian Income Tax Act, section 21 ...	... ...	One rupee.
5. Mukhtárnáma or Wakálatnáma.	When presented for the conduct of any one case—	
	(*a.*) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (*b*) and (*c*) ...	Eight annas.
	(*b.*) to a Commissioner of Revenue, Circuit or Customs, or to any officer charged with the executive administration of a division, not being the chief revenue or executive authority ...	One rupee.
	(*c.*) to a High Court, Chief Commissioner, Board of Revenue or other chief controlling revenue or executive authority ...	Two rupees.
6. Petition of appeal not provided for by the first paragraph of Schedule I to this Act annexed ...	When the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—	
	(*a.*) to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or chief controlling revenue or executive authority	Eight annas.
	(*b.*) to a High Court or Chief Commissioner or other chief controlling executive or revenue authority ..	Two rupees.
7. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866 ...		
8. Plaint in a suit to obtain possession of a wife ...	.. ..	Five rupees.
9. Any petition mentioned in section 47 of the Indian Divorce Act ...		
10. Administration-bond executed pursuant to the Indian Succession Act, 1865...	... .	Eight rupees.
11. Plaint in suit where it is not possible to estimate at a money-value the subject-matter, and which is not otherwise provided for by this Act	... .	Ten rupees.
12. Petition of plaint or appeal under the Párs Marriage and Divorce Act, 1865 ...	... ...	Thirty-two rupees.

SCHEDULE III.

ENACTMENTS REPEALED.

Number and year of Enactment.	Title of Enactment.	Extent of repeal.
Act No. X of 1859 ...	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William.	So much of section 156 as relates to the stamp to be borne by a petition of appeal.
Act No. X of 1862 ...	An Act to consolidate and amend the law relating to stamp-duties.	So much as has not been repealed.
Act No. XX of 1862 ...	An Act to provide for the levy of fees and Stamp-duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Section 2.
Act No. XI of 1863 ...	An Act to consolidate and amend the law relating to the employment and remuneration of Peons for the service and execution of Civil Process.	Sections 7, 8 and 10.
Act No. X of 1865 ...	The Indian Succession Act, 1865 ..	Section 329 and the Schedule.
Act No. XV of 1865 ...	The Pársí Marriage and Divorce Act, 1865 ..	Section 39.
Act No. XVIII of 1865 ...	An Act to amend Act No. X of 1862 (to consolidate and amend the law relating to Stamp duties.)	The whole Act.
Act No. XXI of 1866 ..	The Native Converts' Marriage Dissolution Act, 1866.	In section 7, the words 'shall bear a stamp of two rupees and'
Act No. XXVI of 1867 ...	An Act to amend the law relating to Stamp duties.	The whole Act.
Act No. XV of 1868 ...	The High Court Fees Act, 1868 ..	The whole Act.
Act No. XXVIII of 1868 ...	The Panjáb Tenancy Act, 1868 ...	Section 43.
Act No. IV of 1869 ...	The Indian Divorce Act ...	In section 7, the words 'shall bear a stamp of four rupees and'
Act No. IX of 1869 ..	The Indian Income-tax Act ...	In section 21, the words 'shall bear a stamp of one rupee and'
Bengal Act No. V of 1863 ..	An Act to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts.	Sections 7, 9 and 10.
Madras Regulation III of 1802.	A Regulation for receiving, trying and deciding suits on complaints declared cognizable in the Courts of Adawlut established in the several zillahs immediaiately subject to the Presidency of Fort St. George.	Section 21 from 'when' down to 'writing' (both inclusive).

STATEMENT OF OBJECTS AND REASONS.

The rates of Stamp fees leviable in Courts and offices established beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, and in proceedings on the appellate side of such High Courts, were, as fixed by Act XXVI of 1867, to a great extent tentative.

The experience gained of their working during the two years in which they have been in force, seems to be conclusive as to their repressive effect on the general litigation of the country.

It is, therefore, thought expedient to make a general reduction in the rates now chargeable on the institution of civil suits, and to revert to the principle of a maximum fee which obtained under the former law.

It is proposed also to reduce the valuation fixed by the existing law for the computation of the fee leviable on suits relating to land under temporary settlement or land exempt from the payment of revenue to the Government which is believed to be, at least relatively, excessive, as compared with the valuation of permanently-settled land; and to provide for the valuation of suits relating to mere parcels of land, which, though forming part of estates under settlement, bear no specific allotment of any portion of the assessment of Government revenue on such estates, at the estimated selling price of such land, as was the rule in those cases under Act X of 1862.

The want of some fixed valuation applicable to certain classes of suits—as for example, suits instituted between landlord and tenant to recover a right of occupancy or enforce ejectment, or suits for maintenance or for an annuity,—the subject-matter of which, though not absolutely indeterminable, is certainly not susceptible of ready determination, has given rise to much uncertainty and variety in the procedure adopted by the several Courts in such cases; and the amendment of the existing law in this respect is felt to be urgently called for.

In deference to the strong objections entertained by the local authorities in certain Provinces to the retention of the fee imposed on the presentation of certain petitions in the Criminal Courts, it is proposed to reduce the amount of such fee from one rupee to eight annas.

The uniform exaction of a fee of eight annas in the case of all petitions addressed to a Revenue Officer or a Magistrate, works harshly in its application to such communications when presented by persons having dealings or transactions with the Government in relation to such transactions. Equitable considerations require that petitions of this kind should be excepted from the operation of the general rule, and the Bill makes suitable provision for such cases.

The *ad valorem* fee now chargeable on summary suits instituted under Act XVI of 1838 and the Bombay Act (V of 1864) is represented as working unsatisfactorily, and the substitution of a fixed rate is recommended.

It is to be observed that an award in such cases is liable to be set aside by a judgment passed in regard to the same matter in a regular suit, hence it appears more equitable to treat these summary suits as miscellaneous applications and to subject them to a similar fixed institution-fee.

As the Bill provides for a considerable reduction of the fees heretofore chargeable on Civil suits of small amount, it seems unnecessary to maintain the present distinction between the Courts of Cantonment Joint-Magistrates and other Civil Courts in respect of the amount of fee leviable on the institution of such suits.

It is proposed also to exempt suits instituted in a Military Court of Requests from the payment of any fee. The constitution of such Courts is peculiar; they form no part of the regular machinery employed in the general administration of justice; the present measure therefore is inapplicable to them. Moreover, the suitor in such Courts is placed at this disadvantage as compared with suitors in the ordinary Civil Courts that, although he may gain his case, he is unable to recover the costs which he has incurred in prosecuting his claim: hence the incidence of the taxation imposed by the levy of an institution-fee in such cases is inequitable.

Suits for the restitution of wives, which are of common occurrence in the Panjáb, are held to be somewhat excessively taxed under the present law, which prescribes that in suits the money value of the subject-matter of which cannot be estimated, a fixed fee of Rs. 10 shall be levied; the Bill substitutes for that rate in such cases a special fee of Rs. 5.

The clause in Act XXVI of 1867, exempting Advocates of a High Court from the obligation of presenting to any Court a written authority empowering them to act in any case pending in such Court, is excluded from the Bill. Such a provision appears to be beyond the scope of an enactment for regulating the levy of Court fees. It is, moreover, open to the objection that it conflicts with Section 18 of the Civil Procedure Code, and consequently creates some doubt as to the intention of the Legislature.

As some measure of compensation for the loss of revenue which is expected to result from the general reduction of fees, it is proposed to discontinue the refund of any portion of the amount levied on the first institution of suits, and also to raise the fees heretofore chargeable on probates and letters of administration granted under the Indian Succession Act, and on certificates issued under Act XXVII of 1860, to the *ad valorem* rates leviable under the English law in like cases.

The abolition of refunds is justified by the consideration that for all practical purposes in the majority of cases, the plaintiff, whose suit has not gone beyond the stage at which under the present law he is entitled to recover a moiety of the institution-fee, has gained as much through the Court's agency as the suitor whose case has proceeded to a decision, and that therefore, on the principle on which all Court fees are adjusted, the former should contribute in equal proportion with the latter to the maintenance of the Courts from whose action both derive an equal benefit.

In lieu of the existing rates of process-fees, which vary according to the distance of the Court by which the processes are issued from the place where they are to be served or executed, it is proposed to levy, by means of stamps, an uniform rate in all cases. All suitors will thus be required to contribute in equal proportion to the maintenance of the establishment employed in the serving of processes, without reference to the length of time occupied in each service and the

consequent amount of work rendered on behalf of each person at whose instance any process is served or executed.

Such a provision is in accordance with the modern system under which the charges in the Postal and Electric Telegraph Departments are regulated, and is also more equitable to the general community.

The incorporation of the High Court Fees Act (XV. of 1868) with, and the transfer of so much of the provisions of the Pársí Marriage and Divorce Act, 1865, the Native Converts' Marriage Dissolution Act, 1866, the Panjáb Tenancy Act, 1868, the Indian Divorce Act, and the Indian Income Tax Act, as relate to the levy of stamp fees in judicial proceedings to, the present Bill appear to be conducive to public convenience, as the whole of the existing law relative to fees leviable in all Courts of Justice will thus be contained in one enactment.

With the same object this Bill purports to effect a complete re-arrangement of the provisions of the existing law on this subject, a similar classification of instruments chargeable with Court fees to that which obtains in the General Stamp Act having been adopted, and the rules for determining the value of the subject-matter of certain suits being transferred from the Schedule where they are to be found in Act XXVI. of 1867, to the body of the proposed Act.

Lastly, that for the future there may be no confusion between stamp-revenue proper and the revenue derived from what have heretofore been termed 'judicial stamps,' the proceeds of the proposed enactment are to be designated Court fees, and the Bill is entitled accordingly.

F. R. COCKERELL.

SIMLA,
The 28th September 1869.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

THE following Bill and Statement of Objects and Reasons are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 17 OF 1869.

A Bill to enhance the duties leviable under the Indian Income Tax Act.

1. This Act shall come into operation on the first day of December 1869, and shall continue in force until the 31st day of March 1870.

Commencement and continuance of Act.

2. Section six of the Indian Income Tax Act shall, in respect of salaries, pensions and annuities payable on or after the first day of December 1869, be construed as if for the words "one per centum" the words "two and a half per centum" were substituted.

Enhancement of duty on salaries.

3. Nothing in the last preceding section shall authorise the deduction of duty exceeding two per centum on the aggregate amount of any salaries, annuities or pensions chargeable under Part II of the said Act for the six months commencing on the first day of October 1869.

Proviso as to duty on aggregate amount of salaries for the half year commencing 1st October 1869.

4. In addition to the sum of one per centum payable or paid under section ten of the said Act, the Treasurer, Secretary or principal Agent or Manager in India of every Company therein referred to shall on the first day of December 1869 pay to Government one half per centum on the moiety or the whole (as the case may be) of the nett profits of such Company chargeable under the same section.

Enhancement of duty paid by Companies.

Every such payment shall be deemed to be a payment required by the said section ten.

5. In addition to the duty leviable or levied on income and profits under Part IV of the said Act, there shall be levied one moiety of the duty imposed by the said Part on such income or profits, and such moiety shall be payable on the first day of December 1869 and shall be deemed to be duty leviable under the said Part IV.

Enhancement of duty on income.

6. When a notice has been already served under section sixteen of the said Act on a person chargeable with additional duty under the last preceding section, a supplementary notice shall be served upon him; and the provisions as to notices and receipts contained in the said Act shall, *mutatis mutandis*, apply respectively to such supplementary notices and to receipts granted for payments in pursuance thereof.

Service of supplementary notice.

7. No person shall be entitled, in respect only of the additional duty with which he is assessed under this Act, to apply by petition under section nineteen of the Indian Income Tax Act.

Bar of petitions in respect of additional duty.

8. This Act shall be read with and taken as part of the Indian Income Tax Act.

This Act to be read with Act IX of 1868.

STATEMENT OF OBJECTS AND REASONS.

THE revision which has lately been made of the Estimates for the current year 1869-70, shows that the financial position of the Government of India is less favourable than was anticipated when the Budget Estimate was framed in March last; and it is clear that, unless remedial measures are at once adopted, the year will close with a serious deficit.

The reasons which have led the Government of India to this conclusion, have been given in detail in the Despatch to the Secretary of State, No. 240, dated the 20th September 1869, which is now before the public; and the Government has declared its determination to take immediate measures for placing the finances of the Empire on a thoroughly sound basis.

With the consent of the Governments of Madras and Bombay, an increase has been ordered in the duties levied on salt in those Presidencies; and it is now proposed to make an increase for

the remainder of the year in the rate at which the Income Tax is levied under Act IX of 1869.

The present Bill proposes to increase the rate of Income Tax, for the second six months of the current financial year, from one to two per cent. The payment for the whole year will, therefore, be at the rate of one and a half instead of one per cent.

The alteration in the law can hardly come into full effect before the 1st December next. In the case of salaries, annuities, and pensions assessable under Part II of the Indian Income Tax Act, it is therefore proposed that the additional amount of duty shall be obtained by declaring that such salaries, annuities, or pensions becoming payable after the 30th November 1869, shall be subject, during the last four months of the current year, to a deduction of two and a half per cent. The total payment for the year will thus be raised to one and a half per cent.

Companies assessable under Part III of the Act will be called on to pay, on the 1st December 1869, an additional sum equal to one half of the duty already assessed or assessable.

In the case of all other incomes assessable under Part IV of the Act, the additional duty will be equal to one half the amount assessed or assessable under Schedule A of the Act. No further alterations in the existing system of taxation are contemplated by the Government during the present financial year.

The provisions of the present Bill will only have effect up to the end of the current financial year, when the financial position of the Government will necessarily be again brought under consideration.

The measures which have now been announced by the Government are designed solely to meet, as far as may be practicable, the deficit which we must anticipate for the present year.

Having thus stated the objects and reasons of this Bill,—which, although of a temporary character indicates, nevertheless, the determination of the Government to place the finances in a condition which shall preclude the probability of future deficits and the necessity for incurring debt to meet the ordinary charges of the year,—it is proper to notice the fact that much greater efforts must have been made, and more serious burdens must have been imposed on the public, but for the resolute determination of the Government to enforce economy in all departments of the administration.

In the Public Works Department, orders have already been issued, and are now before the public, the object of which is to reduce expenditure, during the remainder of the current year, to the extent of nearly £800,000.

In the Civil Departments, measures of economy are under consideration, and it is hoped that important reductions of expenditure will be found practicable, without any interference with the discharge of those great duties which we owe to the people of India.

In the Military Department, propositions for largely reducing the present expenditure have been submitted to Her Majesty's Government. It will be evident that questions affecting the organisation of the Army cannot be dealt with by the Government of India alone. It is confidently believed that it will be possible to effect a large reduction of Military expenditure without diminishing the actual numbers of the British Army in India, or in any way impairing our real military strength.

JOHN STRACHEY.

SIMLA,
The 2nd October 1869.

WHITLEY STOKES,
Secy. to the Council of the Govr.-Genl., for making Laws and Regulations.

Government of Bengal.

LEGISLATIVE DEPARTMENT.

The following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 21st August 1869, and having been assented to by His Excellency the Governor General on the 15th October 1869, is hereby promulgated for general information:—

ACT No. VIII OF 1869.

An Act to amend the Procedure in Suits between Landlords and Tenants.

Preamble.

WHEREAS it is expedient to amend the procedure in suits between Landlords and Tenants in the Provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

Interpretation of "Collector."

I. In the construction of this Act the word "Collector" shall include a Deputy Collector in charge of a Sub-division or other officer exercising the powers of a Collector of a District or of a Deputy Collector in charge of a Sub-division, by whatever designation such officer may be called.

Ryots entitled to a pottah.

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars:—

The quantity and boundaries of the land; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered and the time and manner of delivery.

Ryots holding land at fixed rates to receive pottahs.

III. Ryots who, in any Province to which this Act may apply, hold lands at fixed rates of rent, which shall not have been changed from the time of the Permanent Settlement of such Province, are entitled to receive pottahs at those rates.

Presumption if rent of land be not changed for 20 years.

IV. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a ryot in any such Province, has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the Permanent Settlement, unless the contrary

be shewn, or unless it be proved that such rent was fixed at some later period.

Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.

V. Ryots having rights of occupancy, but not holding at fixed rates as described in the two preceding Sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shewn in a suit by either party under the provisions of this Act.

Right of occupancy of ryot cultivating or holding land for 12 years.

VI. Every ryot who shall have cultivated or held land for a period of twelve years shall have a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to Khomar, Neejote, or Seer land belonging to the proprietor of the estate or tenure and let by him on lease for a term, or year by year, nor (as respects the actual cultivator) to lands sub-let for a term, or year by year, by a ryot having a right of occupancy. The holding of the father or other person from whom a ryot inherits shall be deemed to be the holding of the ryot within the meaning of this Section.

Saving of terms of written contracts.

VII. Nothing in the last preceding Section shall be held to affect the terms of any written contract for the cultivation of land entered into between a land-holder and a ryot, when it contains any express stipulation contrary thereto.

Pottahs to which ryots not having rights of occupancy are entitled.

VIII. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

If on trial of suit for delivery of pottah, parties do not agree as to the time for which the pottah is granted, Court to fix the time.

IX. If on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy, the parties do not agree as to the term for which the pottah is to be granted, the Court shall fix such term as under the circumstances of the case may seem just and proper: provided that the term shall not in any case be longer than ten years, and, in estates not permanently settled, shall not extend beyond the period for which the proprietor of the estate has engaged with Government: provided also that if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

Proviso.

Person granting pottah entitled to a counterpart engagement.

X. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted, a kubooliyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah, such as the ryot is entitled to receive, shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot.

Damages for exactions in excess of rent or for receipt withheld.
Form of receipt.

XI. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator, from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent, damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

XII. All power at any time heretofore vested in zemindars and other landholders, of compelling the attendance of their tenants for the adjustment of their rents, or for any other purpose, is withdrawn; and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them, other than by suit or distress or otherwise under the provisions of this Act.

Payment of rent to be enforced under this Act.

Damages for extorting payment of rent by duress.

XIII. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred Rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

Enhancement of rent of ryot holding without, or after expiry, &c., of written engagements.

XIV. No under-tenant or ryot, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengalee year prevails, in or before the month of Poos, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector in whose jurisdiction the lands are situate, on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally upon the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence; or, if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mal

Cutcherry of such land or other conspicuous place thereon, or at the village Chowree or Chowpal, or at some other conspicuous place in the village in which the land is situate.

Mode of contesting enhancement of rent.

XV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enchanced rent.

Dependent talookdar, &c., holding land at fixed rent without change since Permanent Settlement, not liable to enhancement of rent.

XVI. No dependent talookdar, or other person possessing a permanent transferable interest in land intermediate between the proprietor of an estate and the ryot, who, in any province to which the provisions of this Act may apply, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the Permanent Settlement, shall be liable to any enhancement of such rent, anything in Section LI, Regulation VIII of 1793, or in any other law, to the contrary notwithstanding.

Rent of talookdar, &c., not changed for twenty years, to be *primâ facie* evidence of occupancy at that rent since the Permanent Settlement.

XVII. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the Permanent Settlement, unless the contrary be shewn, or it be proved that such rent was fixed at some later period.

Grounds on which ryot having right of occupancy is liable to enhanced rent.

XVIII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him, except on some one of the following grounds, namely :—

That the rate paid by him is below that prevailing in adjacent places.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of the land, &c., has increased independently of the ryot.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the quantity of land held by the ryot is greater than he has paid rent for.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

When ryot may claim abatement of rent.

XIX. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

Relinquishment of land by ryot after notice given.

XX. Any ryot, who desires to relinquish the land held or cultivated by him, shall be at liberty to do so, provided he gives notice of his intention, in writing, to the person entitled to the rent of the land, or his authorized agent, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengalee year prevails, in or before the month of Poos, of the year preceding that in which the relinquishment is to have effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land, or his agent, refuse to receive any such notice, and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector, in whose jurisdiction the lands are situate, who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIV.

What to be deemed an arrear of rent under this Act.

XXI. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or if there be no written specification of the time of payment at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act and, unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

Liability of ryot to be ejected for arrear due.

XXII. When an arrear of rent remains due from any ryot at the end of the Bengal year, or at the end of the month of Jeyt of the Fuslee or Willayutee year, as the case may be, such ryot shall be liable to be ejected from the land in respect of which the arrear is due: provided that no ryot having a right of occupancy or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

XXIII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected: provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

Proviso.

Suits by or against Surburakars or Tehseeldars of estates held khas.

XXIV. All suits which under the provisions of this Act may be brought by or against zemindars or other persons in the receipt of the rent of land, may be brought by or against Surburakars or Tehseeldars of estates held under khas management, whether such estates are the property of Government or of individuals.

Proprietor's right to survey and measure his estate.

XXV. Every proprietor of an estate or tenure or other person in receipt of the rents of an estate or tenure, has the right of making a general survey and measurement of the lands comprised in such estate or tenure, or any

part thereof, unless restrained from doing so by express engagement with the occupants of the lands.

Registry of transfers of talookdars, &c.

XXVI. All dependent talookdars and other persons possessing a permanent transferable interest in land intermediate between the zemindar and the cultivator, are required to register, in the Sheristah of the zemindar or superior tenant to whom the rents of their talooks or tenures are payable, all transfers of such talooks or tenures, or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance. And every zemindar or superior tenant is required to admit to registry and otherwise give effect to all such transfers when made in good faith, and all such successions and divisions. Provided that no zemindar or superior tenant shall be required to admit to registry, or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent in writing of the zemindar or superior tenant.

Limitation of certain suits.

XXVII. All suits instituted for the recovery of damages an account of the illegal exaction of rent, or of any unauthorized cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress, or on account of the excessive demand of rent, and all suits for abatement of rent, and all suits to eject any ryot or to cancel any lease on account of the non-payment of arrears of rent or of the breach of the conditions of any contract by which a ryot may be liable to be ejected, or a lease may be liable to be cancelled, and all suits to recover the occupancy of any land, farm, or tenure from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same, and all suits arising out of the exercise of the power of distraint for arrears of rent conferred on zemindars and others, by this or any other Act or out of any acts done under color of the exercise of the said power shall be commenced within the period of one year from the date of the accruing of the cause of action and not afterwards.

Limitation of suits for grant of pottahs, &c.

XXVIII. Suits for the delivery of pottahs or kubooliyets, and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy.

Limitation of suits for arrears of rent.

XXIX. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeyt of the Fuslee or Willayutee year, in which the arrear claimed shall have become due: Provided that if the suit be for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under Section XIII of Act X of 1859, or under Section XIV of this Act; and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year, or of the month of Jeyt of the Fuslee or Willayutee year, on account of which such enhanced rent is claimed.

Limitation of suits against agents for money, papers, or accounts.

XXX. Suits for the recovery of money in the hands of an agent, or for the delivery of accounts or papers by an agent, may be brought at any time during the agency or within one year after the determination of the agency of such agent: Provided that if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case be brought at any time exceeding three years from the termination of the agency.

Suit for further balance to be instituted within six months of service of notice of deposit.

XXXI. Whenever a deposit on account of rent shall have been made under the provisions of this Act, or of Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, no suit shall be brought against the person making the deposit, or his representatives, on account of any rent which accrued due prior to the date of the deposit, unless such suit be instituted within six months from the date of the service of the notice in Section V of the said Act VI of 1862, or in Section XLVII of this Act mentioned.

Naibs or Gomastahs to be deemed in certain cases authorized agents under Act VIII. of 1859.

XXXII. Every Naib or Gomastah thereto specially authorized by any writing under the hand of his employer shall, for the purposes of all suits for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, be deemed to be the recognised Agent of such employer within the meaning of Section XIII of the said Act VIII of 1859, though such employer may be within the jurisdiction of the Court in which such Naib or Gomastah may appear or make any application.

Cognizance of suits under this Act.

XXXIII. From and after the time when this Act shall commence and take effect in any place, the jurisdiction, save as regards any suits or proceedings then pending, of the Collectorate Courts in such place, under Act X of 1859 of the Governor-General in Council, and Act VI of 1862 of the Council of the Lieutenant-Governor of Bengal, to entertain suits, shall cease: and all suits brought for any cause of action arising under either of those Acts or this Act shall, from such time and in such place, be cognizable by the Civil Courts according to their several jurisdictions.

Proceedings to be regulated under Code of Civil Procedure.

XXXIV. Save as in this Act is otherwise provided, suits of every description brought for any cause of action arising under this Act, and all proceedings therein, shall be regulated by the Code of Civil Procedure passed by the Governor-General in Council, being Act No. VIII. of 1859, and by such further and other enactments of the Governor-General in Council in relation to Civil Procedure as now are or from time to time may be in force; and all the provisions of the said Act and of such other enactments shall apply to such suits.

XXXV. The cause of action in suits brought for the delivery of any pottah or kubooliyet, or for the cancelment of any lease, for the determination of rates of rent, for illegal exactions of rent, cess, or impost, for refusal of receipts for rent paid, for extortion of rent, for excessive demand of rent, for abatement of rent, for arrears of rent, and for refusing to register transfers, successions, or divisions under Section XXVI, shall be deemed to have arisen within the jurisdiction of the Court which would have had jurisdiction to entertain a suit for the recovery of the land or other immoveable property in relation to which the cause of action arose, and shall be brought in such Court and in no other Court.

Jurisdiction in certain suits.

XXXVI. If the land which by the provisions of the next preceding Section determines the place in which the cause of action in the suits in the said Section mentioned shall be deemed to have arisen, be situate within the jurisdiction of different Courts, the provisions of Sections XI and XII of the said Act VIII of 1859, shall apply to such suits, as if the same had been suits for the recovery of such land.

Provision when cause of action arises in different jurisdictions.

XXXVII. If any person, intending to measure any land which he has a right to measure, is opposed in making such measurement by the occupant of the land; or if any under-tenant or ryot, having received notice of the intended measurement, of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, the person claiming the right to measure such land may apply to establish his right to measure such land, in the Court which would have had jurisdiction in case such suit had been brought for the recovery of such land, and such Court shall hear and determine the right to make such measurement, and, if the case shall so require, shall make an order enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot, after the issue of an order enjoining his attendance, neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made, or any of the proceedings held, in his absence.

Proceedings in case of opposition made to the measurement of land.

XXXVIII. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure, or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands, or any part of the lands comprised therein, such proprietor or other person may apply to the Court which would have had jurisdiction in case a suit had been brought for the recovery of such lands, and such Court thereupon, and on the necessary costs being deposited therein by the applicant, shall order such lands to be measured, and shall cause a copy of such order to be transmitted to the Collector in whose jurisdiction the lands are situate, together with the sum so deposited for costs, and the Collector shall thereupon proceed to measure such lands, and shall ascertain and record the names of the persons in occupation of the same, or, on the special application of the proprietor or other person aforesaid, but not otherwise, shall proceed to ascertain, determine, and record the tenures and under-tenures, the rates of rent payable in respect of such lands, and the persons by whom respectively the rents are payable. If after due enquiry the Collector shall be unable to cause such lands to be measured, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under-tenures in such lands, or any part thereof, then and in any such case such Collector may declare the same to have lapsed to the party on whose application such enquiry may have been made. If any person, within fifteen days after such Collector shall have recorded the name of such person as being in occupation of such land, or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and satisfy such Collector that there has been a failure of justice, such Collector may, upon such terms or conditions as may seem fit, alter or rescind such order according to the justice of the case.

Measurement of land when it cannot be ascertained who are the persons liable to pay rent.

XXXIX. The Collector shall, as soon as conveniently may be after he shall have finally completed any such measurement and record, return a copy thereof to the Court by which such measurement had been ordered, and such Court shall receive and record the same; and every decision of the Collector made in pursuance of the provisions of Section XXXVIII shall be appealable as if the same had been an order of the Court into which such copy had been returned, made upon the day on which such copy was so returned; but save as aforesaid, every decision of such Collector made in pursuance of the provisions of Section XXXVIII shall be final.

Proceedings on completion of such measurement.

XL. The provisions of the said Act VIII of 1859 and the Acts amending the same, or of any other Act or Acts for the time being in force in Civil Courts in Bengal, relating to the evidence of witnesses, to procuring the attendance of witnesses and the production of documents, and to the examination, remuneration, and punishment of witnesses, shall apply to all proceedings before any Collector under Section XXXVIII; and for the purposes aforesaid, the Collector shall have all the powers and authorities in and by such Acts or any of them conferred upon the Court.

Collector's powers.

XLI. All measurements made under this Act shall be made according to the standard pole of measurement of the Pergunnah, in which the land is situated.

Measurement to be made by the Pergunnah Pole.

XLII. All suits brought under any of the provisions of this Act shall be entered in a special register of the Court kept for that purpose.

Register of suits.

XLIII. In any suit hereafter to be brought for the recovery of an arrear of rent, the plaint shall specify the name of the village and estate, and of the pergunnah or other local division in which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of

Form of plaint in suits for arrears of rent.

which it is alleged to be due. If the arrear is alleged to be due from any ryot, the plaint shall further specify the quantity of land; and where fields have been numbered in a Government Survey, the number (if it be possible to give it) of such field.

The Court may, in certain cases award to the plaintiff additional damages not exceeding 25 per cent.

XLIV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorized agent, or in case of the refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount in the Court before the institution of the suit in manner hereinafter mentioned, it shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five per centum on the amount of rent decreed, as the Court may think fit. These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve per centum per annum from the date of decree until payment thereof.

The Court may award compensation not exceeding 25 per cent. on the amount sued for, to a defendant improperly sued.

XLV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant had before the institution of the suit duly deposited in the Court, in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant, by way of compensation, such sum, not exceeding twenty-five per centum on the whole amount claimed by the plaintiff, as the Court may think fit; and such sum, with interest at the rate of twelve per centum per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums ordered to be paid by decrees of such Court.

Under-tenant or ryot may, after tender, &c., pay into Court, without any action being brought against him, what he admits to be due to his zemindar, &c.

XLVI. If any under-tenant or ryot shall, at the Mal Cutcherry for the receipt of rents or other place where the rents of the land or other immoveable property held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zemindar or other person in receipt of the rent of such land; and if the amount so tendered shall not be accepted, and a receipt in full shall not be forthwith granted, it shall be lawful for the under-tenant or ryot, without any suit having been instituted against him, to deposit such amount in the Court having jurisdiction to entertain a suit for such rent, to the credit of the zemindar or other person aforesaid; and such deposit shall, so far as the under-tenant or ryot, and all persons claiming through or under him, are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or ryot of the amount deposited to such zemindar or other person.

Payment into Court to have effect of payment to zemindar or other person entitled.

Proceedings on making a payment into Court and drawing out the money.

XLVII. Such deposit shall be received in such Court on the application of the under-tenant or ryot, or his agent, made in writing, and on the under-tenant, or ryot, or his agent, making a declaration in the form, or, as nearly as circumstances will admit in the form set forth in the Schedule (A) hereto annexed, and the Court shall give a receipt for the same under its seal. If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence. Upon receiving the money so deposited, the Court shall issue a notice to the person to whose credit it has been deposited, in the form set forth in the Schedule (B) hereto annexed; and such notice shall be served by the Court, without the payment of any fee, either upon the person to whom it is addressed, or upon his Naib, Gomashtah, or other agent; and in the absence of any such agent, it shall be served by sticking up a copy of the same in the said Court, and another copy upon the Mal Cutcherry for the receipt of rents, or other place where the rents are usually paid for the land in respect of which the money has been deposited. If the person to whom such notice is issued, or his duly authorized agent, shall appear and apply that the money in deposit be paid to him, it shall be immediately made over to him.

After action brought defendant may pay into Court, without costs, money tendered before action brought.

XLVIII. The defendant in any suit instituted under any of the provisions of this Act, may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as such defendant may consider to be due to the plaintiff without paying in any costs incurred by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, the plaintiff shall be charged with the whole costs of the suit incurred by the defendant; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit.

Costs if plaintiff goes on and recovers no more.

If no previous tender has been made, defendant may pay into Court what he admits to be due, with costs on that sum.

XLIX. The defendant in any suit instituted under any of the provisions of this Act, may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court, if necessary, as of a suit originally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be

paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit and ultimately recovers no further sum than shall have been paid into Court, he shall be charged with all costs incurred by the defendant subsequently to such payment; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with costs as upon a suit originally instituted, for the whole amount for which the plaintiff ultimately obtains a decree, but shall have credit thereout for the amount of costs paid into Court by him in the first instance.

Costs if plaintiff goes on with the suit.

L. No warrant of arrest before judgment shall be issued in a suit for arrears of rent due in respect of a dependent talook or other transferable tenure, which may be liable to sale in execution of any decree which may be passed in the case.

No warrant of arrest before judgment.

LI. It shall be lawful for any person entitled to recover the possession of land under any of the provisions of this Act, to include in his plaint a claim for the mesne profits of the land.

Mesne profits may be claimed in suits for recovery of land.

LII. Any person desiring to eject a ryot or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment and for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of such suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount, together with interest and costs of suit, be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

Suits for ejectment or cancelment of lease.

LIII. Whenever in any suit brought by any zemindar or other person in receipt of the rent of land, to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorised by any Regulation or Act, the Court shall pass a decree in favor of the plaintiff, no application in the form provided in Section 212 of the said Act VIII of 1859 shall be necessary, but the Court shall forthwith, upon the plaintiff depositing in Court the necessary expenses, make an order for delivery of possession in execution of the decree. Provided, however, that in cases to which Section LII of this Act is applicable, no such order shall be made until after the expiration of fifteen days from the date of the decree.

Court to issue immediate execution in certain cases.

LIV. It shall not be lawful for the Court to entertain any application for stay of execution of any such order pending any appeal, and no person who shall have been evicted under any such order shall be restored to possession so long as the decree under which such order was issued shall remain unreversed.

In such cases execution not to be stayed pending appeal.

LV. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Court may grant a pottah in conformity with the terms of the decree under the signature and seal of such Court, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

If person required by the decree refuse to grant pottah, Court may do so.

LVI. When a decree is given for the delivery of a kubooliyet, if the person required by the decree to execute such kubooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the signature and seal of the Court shall be of the same force and effect as a kubooliyet executed by the said person.

Refusal to execute kubooliyet as required by the decree.

LVII. Process of execution in any suit instituted under this Act may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both the person and property.

Process not to issue simultaneously against both person and property.

LVIII. No process of execution of any description whatsoever shall be issued on a judgment in any suit for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred Rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Court.

No execution to be issued after three years from date of judgment.

LIX. Whenever a decree may be passed for an arrear of rent due in respect of an under-tenure which by the title-deeds or the custom of the country is transferable by sale, and the judgment-creditor shall make application for the attachment and sale of such under-tenure, the Court shall, so soon as such under-tenure shall have been ordered to be sold, cause to be hung up in some conspicuous part of the building in which such Court sits, and of the buildings in which the Collector and Judge of the District within which the land comprised in such under-tenure is situate, and to be affixed on some conspicuous place on such land and on some conspicuous place in the town or village in or nearest to which such land is situate, a notice for the sale of such under-tenure on some fixed date not less than twenty days from the hanging up of such notice in such Court.

Procedure on sale of under tenure.

LX. Every such notice shall specify in the words used in the plaint in the suit in which the decree was made, the name of the village, estate, and pergunnah, or other local division in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree.

Contents of notice of sale of under-tenure.

LXI. No order for the sale of any such under-tenure shall be made in execution of a decree for recovery of arrears of rent payable in respect thereof, when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If, after sale of any such under-tenure in execution of such decree, any portion of the amount decreed remains due, process may be applied for and issued against any other property, moveable or immoveable, belonging to the debtor.

Under-tenures not to be sold while other execution in force.

LXII. If the sum due under the decree, together with interest to date of payment, and all costs of process, be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of Section 13 of Regulation VIII of 1819, for the recovery of sums paid by persons other than the defaulting holder of the under-tenure, to stay the sale of the under-tenure, shall be applicable to all similar payments made under this Section.

How the sale may be stayed by person interested in under-tenure.

LXIII. If after attachment and before sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, any third party may prefer a claim alleging that such third party and not the person against whom the decree has been obtained, is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Court shall not postpone such sale, unless and until such third party shall have deposited in Court the amount of the decree, or given sufficient security for the same. Provided always that no transfer of an under-tenure which, by the provisions of this Act or any other law for the time being in force, is required to be registered in the Sherishtah of the zemindar or superior tenant, shall be recognized unless it has been so registered, or unless sufficient cause for non-registration be shewn to the satisfaction of the Court.

If third party claim to be the lawful possessor of such under-tenure, Court to stay the sale and to enquire into, and adjudicate upon, the claim, upon decree being paid or secured.

Non-registered transfers not to be recognized.

LXIV. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure, for money due to him on account of his share of the rent of an under-tenure, situate in such undivided estate, talook, or tenure, no order for the sale of such under-tenure in execution of such decree, shall be made unless and until all moveable property, (if any), which such judgment-debtor may possess within the jurisdiction of the Court in which the suit was instituted, shall have been seized and sold in execution of such decree, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section LIX, may be seized and sold in execution of such decree, according to the ordinary procedure of the Court and not in the manner provided in the said Section, and every such sale shall have such and the same effect as the sale of any immoveable property sold in execution of a decree not being for arrears of rent payable in respect thereof.

Execution of decrees given in favor of sharers in undivided estates or tenures.

LXV. In the execution of any decree for the payment of any money under this Act, not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the district in which the suit was instituted, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

Execution of judgment.

LXVI. The purchaser of an under-tenure under the provisions of Sections LIX and LX of this Act shall acquire it free of all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagement under which the under-tenure was created, or by the subsequent written authority of the person who created it, his representatives or assignees: provided that nothing herein contained shall be held to entitle the purchaser to eject khoodkhast ryots or resident and hereditary cultivators, nor to cancel *bonâ fide* engagements made with ryots or cultivators of the classes aforesaid by any holder of the under-tenure or his representatives, except it be proved in a regular suit to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor. Nothing in this section shall be held to apply to the purchase of a tenure by the previous holder thereof through whose default the tenure was brought to sale.

Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.

LXVII. The purchaser of an under-tenure sold under this Act shall apply to the zemindar or other landholder within fifteen days from the day of sale to have his name registered in the zemindar or other landholder's books as the purchaser, and shall execute a kubooliyet on the same terms and conditions on which the under-tenure was held by the defaulter; and if such application be not made within fifteen days, it shall be lawful for the zemindar or other landholder to sue the said purchaser for the delivery of a kubooliyet.

Zemindar how to proceed if purchaser do not register.

LXVIII. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent, as defined in Section XXI of this Act, is due from any cultivator of land, the zemindar, lakhrajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive the rent of such land immediately from the actual cultivator thereof, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due, under the following rules. Provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security

Produce of the land to be held hypothecated for the rent.

Arrears of rent may be recovered by distraint under the following rules.

Cultivators who have given security to be exempt from distraint.

has been given, shall not be liable to distraint.

Proviso.

Provided also that no sharer in a joint estate, dependent talook, or other tenure in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorised to collect the rents of the whole estate, talook or tenure, on behalf of all the sharers in the same.

No distraint in certain cases.

LXIX. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

Power of distraint to be exercised by managers under the Court of Wards, &c.

LXX. The power of distraint vested by Section LXVIII in zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Wards, Surburakars, and Tehseeldars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by Naibs, Gomastahs, and other agents employed by any such persons as aforesaid in the collection of rent, if expressly authorised by dower of attorney in that behalf; provided that, if any illegal act is committed by any such Naib, Gomashtah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Proviso.

Standing crops and crops gathered, but not stored, liable to distraint.

LXXI. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a home-stead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

LXXII. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made. The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

Distress to be proportionate to the arrear if not paid or tendered.

LXXIII. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it at his usual place of residence.

Standing crops, &c., when attached, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

LXXIV. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose. Crops or products which from their nature do not admit of being stored, may be sold, before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when the crops or products, or any part of the same, would be fit for cutting or gathering.

Distrainer may apply for aid to the Court upon occasion of resistance made or apprehended.

LXXV. If a distrainer shall be opposed, or shall apprehend resistance, and shall desire to obtain the assistance of a public officer, he may apply to the Court which under the provisions of this Act would have jurisdiction to entertain a suit for the rent for which such distrainer is about to distrain, and the Court may, if it thinks necessary, depute an officer to support the distrainer in making the distraint.

Persons empowered to distrain may give written authority to their servants to do so.

LXXVI. When any person, empowered to distrain property under Section LXVIII or Section LXX, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.

LXXVII. If at any time after property has been distrained, and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Application for sale.

LXXVIII. Within five days from the time of the storing of any distrained crops or products, or if the crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Court which would have jurisdiction to entertain a suit for the rent for which the distress was made.

Form of application.

LXXIX. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter

and his place of residence, the amount due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application, the distrainer shall lodge in Court the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Cost of notice upon defaulter to be deposited by distrainer.

LXXX. Immediately on receipt of any application under the provisions of the next preceding Section, the Court to which such application shall have been made, shall appoint an officer to conduct the sale of such property and shall cause to be served a notice [which shall be in the Form contained in the Schedule (C) to this Act, or to the like effect] on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before such Court within the period of fifteen days from the receipt of the notice; and shall at the same time cause to be affixed upon some conspicuous place in the Court-house, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Procedure by Civil Court on receipt of application.

LXXXI. If a suit shall be instituted in pursuance of the aforesaid notice, the Court shall suspend proceedings in regard to the sale of the distrained property, and shall certify to the officer appointed to conduct the sale such suspension.

Sale to be suspended when suit instituted.

LXXXII. Any person whose property has been distrained in the manner in this Act provided, may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale; when such suit is instituted, the Court shall suspend proceedings in respect of the sale of such property.

Suit to contest distrainer's demand before issue of notice of sale.

LXXXIII. The person whose property has been distrained, may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with sufficient security, binding himself and his sureties to pay whatever sum may be adjudged to be due from him with interest and costs of suit; and when such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if so requested, shall serve the distrainer with notice of the same, and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distraint.

Distress to be withdrawn on receipt of Court's certificate that the owner has executed a bond to pay amount of decree with interest and costs.

LXXXIV. The estimated value of the claim made in any suit filed under the provisions of Sections LXXX, LXXXII, & XCVI, or any of them, shall be deemed to be the amount of arrears of rent for which the distraint shall have been made.

Value of claim in suits disputing distress.

LXXXV. On the expiration of the period fixed in the proclamation of sale, if a suit to contest the demand of the distrainer be not in the meantime instituted in the Court and certified to the officer appointed to conduct the sale, such officer shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property, or such part of it as may be necessary, in the manner hereinafter prescribed.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

LXXXVI. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haut, or other place of public resort, if the officer appointed to conduct the sale should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots as such officer holding the sale may think advisable, and if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Place and manner of sale of distrained property.

LXXXVII. If on the property being put up for sale a fair price, in the estimation of the officer holding the sale, be not offered for it, and the owner of the property or some person authorised to act on his behalf apply to have the sale postponed until the next day or the next market day, if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed, whatever price may be offered for the property.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

LXXXVIII. The price of every lot shall be paid for in ready money at the time of sale, or as soon after as the officer holding the sale shall think necessary, and in default of such payment the property shall be put up again and sold. When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Payment of purchase-money.

LXXXIX. From the proceeds of the sale of distrained property, the officer holding the sale shall make a deduction at the rate of one anna in the Rupee on account of the costs of the sale, and shall transmit the amount to the Court, in order that it may be credited to Government. He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale prescribed in Section LXXX, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made, with interest thereupon up to the day of

Proceeds of sale.

sale; and if there be any overplus, it shall be delivered to the person whose property shall have been sold

Officers holding sales prohibited from purchasing.

XC. Officers holding sales of property under this Act, and all persons employed by or subordinate to such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers.

All irregularities to be reported to the Court.

XCI. Officers holding sales of distrained property are required to bring to the notice of the Court any material irregularities committed by distrainers under color of this Act: and if in any case, on proceeding to hold a sale of property, such officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under Section LXXX, or pass such other order as may seem proper.

Recovery of expenses if officers proceed to place of sale and no sale take place.

XCII. When any such officer has proceeded to any place for the purpose of holding a sale, and no sale takes place either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to such officer, the charge of one anna in the Rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary. In all other cases the Court shall make an order that such expenses shall be paid by the distrainer, and shall in such order fix the amount to be paid by him; such amount not to exceed the sum of ten Rupees: and the amount by such order directed to be paid may be recovered from such distrainer as if such order were a decree of such Court.

Proceedings of officers, &c., subject to revision and orders of Court.

XCIII. All proceedings under this Act of the officers appointed to hold sales of distrained property shall be subject to the revision and orders of the Court to which they respectively are attached, and the Court may require the submission of such reports and statements of business performed by such officers as may be thought necessary.

Second proclamation of sale.

XCIV. When a suit has been instituted to contest the demand of a distrainer, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the officer appointed to conduct the sale of such property and furnish a copy of such order to the distrainer, authorising the sale of the property; and on the application of the distrainer, which shall be made within five days from the receipt by him of such copy of such order, such officer shall publish a second proclamation in the manner prescribed in Section LXXX, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress, including any costs of suit which may be ordered to be paid by the person instituting such suit, be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Procedure after institution of suit to contest distrainer's demand.

XCV. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself instituted a suit for the amount. If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favor of the distrainer, together with such costs of suit as to such Court may seem proper, and the amount may be recovered by sale of the property as provided in the last preceding Section if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or if the property has been released on security, by execution of the decree against the person and property of the defaulter and of his surety. If, on the other hand, the distraint is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such damages in favor of the plaintiff as the circumstances of the case shall seem to require, and may decree the costs of the suit to be paid by the distrainer.

Any person whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer.

XCVI. If any person shall claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person to try the right to the possession of the property in such Court, and in like manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted, the property may be released upon security being given for the value of the same. If the claim is dismissed, the Court shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer, and for payment of such costs of suit to such distrainer, as to such Court shall seem fit. If the claim is upheld, the Court shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require. Provided always that no claim to any produce of land liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the

person entitled to the rent of the land; nor shall any attachment in execution of a judgment or decree of any Court prevail against such prior claim.

Persons prevented from suing in time to save their property from sale, may sue for damages.

XCVII. If any person, whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by Sections LXXXII and XCVI, and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Also persons aggrieved by any illegal act of distrainer.

XCVIII. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

Unlawful distraint.

XCIX. If any person not empowered to distrain property under Sections LXVIII and LXX of this Act, nor employed for the purpose under a written authority by a person so empowered, shall under color of this Act, distrain or sell or cause to be sold any property, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall when the act complained of does not amount to criminal trespass, be liable to fine which may extend to three hundred Rupees, or to imprisonment, simple or rigorous, which may extend to two months, or to both, in addition to any damages which may be awarded against him in such suit.

Time for commencing suits for damages.

C. Provided always that any suit which may be instituted under any of the last three Sections shall be commenced within three months from the date of the occurrence of the cause of action.

Procedure on resistance to distraint, &c.

CI. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Court which would have jurisdiction in a suit for the rent for which such distraint was made, shall, upon complaint being made within fifteen days from the date of such resistance or removal, cause the person accused to be arrested; and if the offence be proved, and the offender be the owner of the property, shall order him to be imprisoned in the Civil Jail for six months, or until the whole arrear due to the distrainer, with all expenses and costs, shall be paid or levied by attachment and sale of the property of the offender under warrant of the Court. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred Rupees, or, in default of payment thereof, to imprisonment for a period not exceeding two months.

No appeal from any decree of the District Judge for money below 100 Rupees, unless it involve the right to enhance rent or a title to land.

CII. Nothing in this Act contained shall be deemed to confer any power of appeal in any suit tried and decided by a District Judge, originally or in appeal, if the amount sued for, or the value of the property claimed, does not exceed one hundred Rupees, in which suit a question of right to enhance or vary the rent of a ryot or tenant, or any question relating to a title to land or to some interest in land as between parties having conflicting claims thereto, has not been determined by the judgment.

Review of judgment.

CIII. No application for a review of any judgment or order passed in any suit brought under the provisions of this Act shall be received by any Court after the expiration of thirty days from the date of such order or judgment, but nothing in this Section contained shall be deemed to apply to the High Court of Judicature at Fort William in Bengal.

Small Cause Court not to have jurisdiction.

CIV. Nothing in this Act contained shall be deemed to confer upon any Court sitting as a Court of Small Causes cognizance of any suit brought under the provisions of this Act, of which it would not have had cognizance if this Act had not been passed.

Power to issue process free of charge.

CV. If in any case the Court is satisfied that a party is unable to pay the cost of any necessary process in any suit under this Act, it may direct such process to be served free of charge.

Application of Act.

CVI. This Act shall take effect in those Districts in the Provinces subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*, and thereupon this Act shall commence and take effect in the Districts named in such order at the day and time which shall be in such order provided for the commencement thereof.

Certain enactments to cease to have operation in places in which this Act takes effect.

CVII. When and so soon as this Act shall commence and take effect in any District, the various provisions mentioned in Schedule (D) hereto annexed, shall cease to have operation or effect in such District, save so far as they repeal or modify any other Regulations or Acts and save so far as regards suits or proceedings which before the time of the commencement of this Act shall have been instituted before any Collector.

CVIII. Whenever any suit or other proceeding under the provisions of the Acts in the Schedule (D) mentioned, or of any of them, shall at the time when this Act comes into operation in any place have been instituted before any Collector or other Officer having under the provisions of the same Acts or of any of them jurisdiction in such suit or proceeding, such suit or proceeding and all appeals therein shall be heard and determined, and execution of any decree or order therein shall be had, and the practice and procedure therein shall be such and the same, as if this Act had not been passed.

Pending suits to be carried on under former practice.

CIX. Nothing in this Act contained shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to ascertain, regulate, and record certain tenures in Chota Nagpore, on any person appointed to be a Special Commissioner thereunder, or on the Commissioner of the Division of Chota Nagpore.

Act not to effect powers conferred by the Chota Nagpore Tenures Act.

CX. Nothing in this Act contained shall in any way affect any of the provisions of Act VII of 1868 of the Council of the Lieutenant-Governor of Bengal for the recovery of arrears of land revenue and other demands recoverable as arrears of land revenue.

Act VII of 1868 saved.

CXI. This Act shall be called "The Landlord and Tenant Procedure Act, 1869."

Short title.

SCHEDULE A.

(Referred to in Section XLVII.)

I, A. B., of, &c., do solemnly declare that I did personally (or by my Agent, C. D), on the day of tender payment to E. F. at his Mal Cutcherry (or at) the place where the rent of the lands at held or cultivated by me under or from the said E. F. are usually payable, of the sum of Rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered (or to give me a receipt in full forthwith for the same); and I do declare that, to the best of my belief, the sum of Rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

SCHEDULE B.

(Referred to in Section XLVII.)

Court of

Dated the day of 18

To E. F., of, &c.

WITH reference to the within declaration, you are hereby informed that the sum of Rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or to your duly authorized Agent on application; and take notice that if you have any further claim or demand whatsoever to make against the said A. B. in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

[Copy of declaration in Schedule A to be annexed.]

SCHEDULE C.

(Referred to in Section LXXX.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Court of

A. B., Distrainer.

(Name, description, and address of the owner of the property.)

WHEREAS the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit in the Court of to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 18 .

SCHEDULE D.

(Referred to in Sections CVII *and* CVIII*)*

Being Acts made inoperative in Districts in which this Act is in force.

Date and No. of Act.	Title of Act.	Extent of Repeal.
Act X of 1859 ..	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	The whole Act.
Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council.	An Act to amend Act X of 1859.	The whole Act.
Act IV of 1867 passed by the Lieutenant-Governor of Bengal in Council.	An Act to explain and amend Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.	The whole Act.

J. PITT-KENNEDY,

Asst. Secy to the Govt. of Bengal,

(Legislative Department.)

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

REVENUE AND GENERAL DEPARTMENTS.

No. 1398R.

APPOINTMENTS.

The 2nd October 1869.—Mr. G. E. Porter to officiate, until further orders, as Joint-Magistrate and Deputy Collector of Rungpore.

The 23rd October 1869.—Mr. C. Miller to officiate temporarily as Judge of the Court for the trial of Pilots, during the absence, on leave, of Mr. T. D. Ingram, or until further orders.

The 25th October 1869.—The following Deputy Magistrates and Deputy Collectors are transferred, *viz.* :—

Moulvie Willyut Hossein, from Chumparun to Dinagepore.

Baboo Kedarnath Dutt, from Dinagepore to Chumparun.

The 26th October 1869.—Mr. A. Weekes to officiate as an Assistant Commissioner in Darjeeling, and to exercise the powers of a Magistrate and Deputy Collector in that District. Mr. Weekes will also officiate as Judge of the Small Cause Court at Darjeeling, during the absence, on tour, of Major Morton, or until further orders. Mr. Weekes will officiate as a Joint-Magistrate and Deputy Collector of the Second Grade.

Mr. James Kelleher to be an Assistant to the Magistrate and Collector of Chittagong, and to exercise the powers of a Subordinate Magistrate of the Second Class.

LEAVE OF ABSENCE.

The 26th October 1869.—In lieu of the special leave for six months, which was granted to Mr. W. H. D'Oyly, of the Civil Service, under orders of the 27th January last, he is allowed furlough for a period of eight months, under Sections IV. and VI. of the Covenanted Service Absentee Rules of 1868, commencing from the 17th February last, the date of his departure from India.

NOTIFICATIONS.

The 21st October 1869.—Mr. H. J. Reynolds, Officiating Magistrate and Collector of Midnapore, is authorized to make over charge of his duties on the 28th instant to Mr. T. H. H. Shortt, the Officiating Joint-Magistrate and Deputy Collector of that District, if he is not previously relieved by Mr. J. D. Ward, who has been appointed to succeed him.

The 26th October 1869.—An extension of leave for six months, on Medical Certificate, has been granted by Her Majesty's Secretary of State for India to Mr. G. C. Kilby, of the Subordinate Executive Service.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

NOTIFICATION.

The 25th October 1869.—Under Section 52 of Act VI., 1863, as amended by Act XVII. of 1869, the Lieutenant-Governor hereby notifies and declares that if the importer, owner, or consignee of any goods (except such as shall have been declared by the Master or Commander as not to be landed), or the agent of such importer, owner or consignee, shall not, in the case of a vessel discharging goods at moorings, land such goods within *ten* working days after the entry of the vessel importing the same; or, in case of a vessel discharging goods at the jetties, shall not land such goods within *two* working days after entry of the vessel importing the same; or, in either of the above cases, within such further period as the bill of lading of such vessel shall specify, then the Master or Commander of such vessel, as the case may be, or the Officer of Customs on his application, may carry such goods to the Custom House.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

The following Circular Order of the Government of India, in the Financial Department, is published for general information :—

CIRCULAR No. 3734.

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

Accounts.

Simla, the 30th September 1869.

FRAUDS to a large amount were lately committed in a Treasury, by the Collectorate Head Clerk, under circumstances which render it expedient for the Governor General in Council to publish the facts as a caution to all Treasury Officers, and to remind District Officers that their personal responsibility for their District Treasuries is not discharged, because they are allowed to appoint a subordinate officer to the immediate charge of the Treasury under them. The frauds referred to were concealed, for a long time, by the submission of false accounts and false cash balance reports to the Accountant-General of the Province.

2. Public Service Transfer Receipts, under the signature of the Treasury Officer, were issued in favor of a fictitious person, without a rupee having been credited in the genuine accounts of the Treasury which formed the Office record. The Treasury Officer omitted to satisfy himself, before signing the receipts, that the equivalent had been paid in cash or had been charged to the proper account in the books of the Treasury.

3. His neglect might not have had such mischievous consequences, had he been careful to compare the Transfer Receipts which he signed for issue, with their counterfoils in the book of blank receipts; for the discrepancy between the complete counterfoils of the actual issues, and the incomplete credits for the amounts of the Transfer Receipts in the Office copy of the cash accounts, would have revealed the frauds, and the certainty of the detection in this way might have prevented them.

4. Instead of observing this ordinary precaution, the Treasury Officer signed Transfer Receipts for issue, without simultaneously attesting the entries of them in the counterfoils, while he attested false entries in the counterfoils, without requiring the production of the forms of Transfer Receipts which were alleged to have been spoilt.

5. Even then the frauds could not have continued for long, had correct accounts been rendered to the Accountant-General. The Office copy of the accounts was correct, and in it the Transfer Receipts were necessarily not credited; money not having been received for them; so that

the cash balance of this genuine account agreed with the actual cash in the Treasury.

6. But the submission of this account would have disclosed the fraud to the Accountant-General, when on his comparing the payments by the Treasuries drawn upon with the accounts of the drawing Treasury, he would have missed the corresponding credits in the latter.

7. Accordingly, the Head Clerk falsified the account rendered to the Accountant-General, by crediting in it the amounts of the fraudulently issued Transfer Receipts, and shewing necessarily a cash balance larger by those amounts than the actual cash in the Treasury.

8. The Treasury Officer omitted to compare the account rendered to the Accountant-General with the copy recorded in his Office. Except under a strong suspicion of his Head Clerk such omission might have been natural; but at least he should have seen that the closing cash balance agreed with the record under his own signature of the cash balance, as it was verified by him on the first day of every month. Had he done this, the submission of a false account to the Accountant-General would not have been possible.

9. Apart from the monthly cash account, every District Officer is required, already in many parts of India, to submit to the Accountant-General a monthly statement of the actual cash in his Treasury. Had the District Officer, in the present instance, performed this most essential duty, the frauds could not have succeeded, for with a true cash balance statement a false account would have been impossible. The District Officer, however, delegated the monthly verification of the cash in the Treasury to the Treasury Officer, and the latter sent an untrue statement of the cash in his Treasury to the Accountant-General, notwithstanding the certificate* which he signed with each statement.

*"I do hereby certify that the balance in the above-mentioned Treasury amounted on the , Rs. and that I personally ascertained that the said balance was actually in my custody."

10. He did count, monthly, the actual cash in the Treasury, and the money in the Treasury did agree with the Office record of cash balance; but his first obligation was to see that the statement submitted was correct, and as he did not do this the certificate that he signed was untrue.

11. Manifestly the frauds in this instance did not arise from any defects of system. Not at one stage, but at several stages, the system interposed effectual checks had they only been applied with ordinary care. But at every one of the stages, there was such extreme carelessness that it is hardly possible to conceive a case of more gross and utterly inexcusable neglect on the part of an Officer in charge of a Treasury.

12. There was also a serious dereliction of duty and recklessness of personal consequences on the part of the Deputy Commissioner, who appears to have supposed that having made over the Treasury to a subordinate he was no longer in any way responsible for it.

13. It is from henceforth to be clearly understood—

First, that the appointment of a subordinate to the immediate charge of a Treasury, in no way relieves a District Officer from responsibility;

Secondly, that the duty of verifying and certifying to the actual monthly cash balance, and of signing the monthly cash accounts, must be performed by the District Officer in person, and must on no account be delegated to any subordinate officer, unless upon the ground of properly attested actual physical inability to perform the duty: Accountant-General will, in future, not accept these returns and accounts under any other signature.

14. In this case, the Government will recover from the officers (including the District Officer) through whose fault the loss occurred, the full amount of which it has been defrauded; and, as a further punishment, the officers who were in immediate charge of the Treasury, when the frauds were committed, will be deprived of promotion for two and three years, respectively.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

The following Orders issued by the Government of India, in the Home Department, are re-published for general information :—

No. 4661.—*Simla, the* 14*th October* 1869.—*Notifications.*—The undermentioned Covenanted Civil Servants, having produced the necessary medical certificates, have been granted by Her Majesty's Secretary of State for India extensions of leave for the periods specified against their names :—

Mr. E. G. Birch ... 6 months.
„ J. J. Grey ... 6 „

No. 4724.—*The* 15*th October* 1869.—The undermentioned gentleman, appointed by the Secretary of State for India a member of Her Majesty's Civil Service on the Bengal Establishment, has reported his arrival in India on the 29th ultimo :—

Mr. James Kelleher.

The following Order issued by the Government of India, in the Financial Department, is re-published for general information :—

No. 4042.—*Simla, the* 11*th October* 1869.—*Separate Revenue.—(Assessed Taxes.)*—Under the powers vested in him by Section 5 of Act IX. of 1869, the Governor General in Council is pleased to rule that the profits derived from agriculture in the temporarily-settled Districts of Assam, shall be exempted from the Income Tax during the current year, 1869-70.

The following Order issued by the Government of India, in the Military Department, is re-published for general information :—

No. 1046.—*Simla, the* 13*th October* 1869.—In view to prevent inconvenience, the Right Hon'ble the Governor General in Council is pleased to direct that Military Officers of the Bengal Presidency proceeding to Bombay to appear before the Standing Medical Committee to obtain sick leave to Europe, are to provide themselves with two copies of their medical cases, &c. (both of which must be taken by themselves), one for their own use in Europe, and the other for record in the Office of the Standing Medical Committee at Bombay.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

The following Notification issued by the Government of India, in the Marine Department, is published for general information :—

MARINE DEPARTMENT.

Fort William, the 24*th September* 1869.

No. 14.

Marine Notification, 7th September 1869.

The following Notification by the Colonial Secretary at Colombo is published for general information :—

Notice is hereby given that from and after the 1st day of January 1870 no signals will be made

or answered from Government stations on shore or ships at sea except by means of the Commercial Code of Signals.

By His Excellency's Command,

HENRY T. IRVING,
Colonial Secretary.

COLONIAL SECY.'S OFFICE, COLOMBO; *The 16th July* 1869.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

JUDICIAL AND POLITICAL DEPARTMENTS.

No. 658J.

APPOINTMENTS.

The 26th October 1869.—Mr. J. S. Larminie to officiate as District Superintendent of Police, Moorshedabad, during the absence, on leave, of Captain W. L. N. Knyvett, or until further orders.

Baboo Nityanund Roy to be a Municipal Commissioner for the Town of Chittagong.

LEAVE OF ABSENCE.

The 26th October 1869.—Captain W. L. N. Knyvett, District Superintendent of Police, Moorshedabad, is allowed three months' leave on Medical Certificate under Chapter I. of the new Rules of 1868.

Mr. W. F. McDonell, Judge of Nuddea, for one month, under paragraph XVIII. of the Covenanted Service Absentee Rules.

NOTIFICATION.

The 26th October 1869.—The services of Assistant Surgeon F. M. Mackenzie, Officiating House Surgeon of the Medical College Hospital, are placed at the disposal of the Government of India, in the Military Department.

A. EDEN,
Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Home Department, is re-published for general information :—

No. 4735.—*Simla, the 15th October* 1869.—*Notification.*—The Governor General having notified his intention of leaving Simla on the 19th instant, His Excellency in Council is pleased to direct that the Council of the Governor General shall after that date, and until further notice, assemble at Calcutta in the territories under the Government of the Lieutenant-Governor of Bengal.

The following Order issued by the Government of India, in the Foreign Department, is re-published for general information :—

No. 1499.—*Simla, the 15th October* 1869.—*Political.*—*Notification.*—In consideration of the liberal spirit which Mussamut Mitho Bibi and Mussamut Mandar Bibi, the wives of Rái Sáh Bánwári Lúll Bahádar, of Chaprah, have evinced in offering to give Rupees 10,000 each towards the construction of a gate and well in the saráié at that place, His Excellency the Viceroy and Governor General in Council has been pleased to confer upon each the title of "Jáwád-ul-Nissá, Sáludáh-i-Khándán," as a personal distinction.

A. EDEN,
Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

ESTABLISHMENTS.

No. 334.

The 25th October 1869.

The following Orders issued by the Government of India, Public Works Department, are republished for information :—

No. 271 *of the 28th September* 1869.—Baboo Radhica Narain Ghose, Assistant Engineer, Second Grade, is transferred from the Central Provinces to Bengal.

No. 276 *of the 29th September* 1869.—The undermentioned passed Military Students of the Thomason Civil Engineering College are appointed to the Upper Subordinate Establishment of the Public Works Department as Overseers of the First Grade on probation, and posted as follows :—

To Bengal.

Lance Corporal W. Pearson	... 20th Hussars.
Troop Serjeant-Major W. Hill	... 11th ,,
Bombardier R. Young	... 3-22 R. A.
,, J. McMinn	... C., A., R., H. A.
Private J. Withey	... 90th Foot.
Lance Serjeant J. Gray	... 105th ,,
Lance Corporal W. Monks	... 103rd ,,

* * * * *

No. 286 *of the 2nd October* 1869.—Mr. H. W. Stokoe, Supervisor, Second Grade, is transferred from Bengal to the North-Western Provinces.

No. 297 *of the 13th October* 1869.—Mr. C. Nuttall, Controller of Public Works Accounts, Fifth Class, now on leave, will revert to the position of Deputy Controller, and is posted to Bengal.

* * * * *

No. 335.

Posting.—The following Probationary Overseers, First Grade, are posted to the Divisions specified opposite to their names :—

Lance Corporal W. Pearson...	Central Assam.
,, W. Monks ..	Upper Assam.
Troop Serjeant-Major W. Hill	Ramghur.
Bombardier R. Young ..	First Presidency.
,, J. McMinn ..	Tirhoot.
Private J. Withey ...	Bhaugulpore.
Lance Serjeant J. Gray ...	Northern Cuttack.

No. 336.

Notification.—Troop Serjeant-Major W. Hill, Probationary Overseer, First Grade, joined the Ramghur Division on the 15th September 1869, afternoon.

Lance Serjeant J. Gray, Probationary Overseer, First Grade, joined the Northern Cuttack Division on the 17th September 1869, before noon.

No. 337.

Postings.—Baboo Ramrutton Mozumdar, Assistant Engineer, First Grade, is posted to the Rajshahye Division.

No. 338.

Private J. Scollard, Probationary Overseer, First Grade, is posted to the Second Division, Grand Trunk Road.

No. 339.

Transfer.—Baboo Ramlall, Overseer, First Grade, from the Northern Cuttack to the Southern Cuttack Division.

No. 340.

Notification.—Baboo Rajendronath Mookerjee, Probationary Overseer, Second Grade, joined the Hooghly River Division on the 27th September 1869, afternoon.

No. 341.

The 26th October 1869.

Transfers.—Mr. H. W. Stokoe, Supervisor, Second Grade, from the Garrison Engineer's Division, Fort William, to the First Presidency Division, which he joined on the 23rd July 1869, before noon.

No. 342.

Baboo Joynarain Doss, Local Supervisor, Second Grade, from the Circular and Eastern Canals to the Dacca Division.

No. 343.

Notification.—Baboo Gopaul Chunder Bose, Local Overseer, First Grade, joined the Nuddea Division on the 17th September 1869, afternoon.

J. E. T. NICOLLS, *Col., R. E.,*
Secy. to the Govt. of Bengal,
P. W. D.

IRRIGATION.

No. 100.

The 25th October 1869.

Appointment.—Mr. C. Whitefoord, Executive Engineer, Fourth Grade, to officiate as Executive Engineer of the Beropa Division, until further orders.

No. 101.

The 26th October 1869.

Notification.—The following Order issued by the Government of India, in the Public Works Department, is re-published for information:—

No. 307 of the 18th October 1869.—Lieutenant-Colonel J. F. Stoddard, M. S. C., Executive Engineer, First Grade, is transferred from British Burmah to Bengal.

No. 102.

With reference to the above Notification Lieutenant-Colonel J. F. Stoddard, M. S. C., Executive Engineer, First Grade, is appointed as Assistant to the Chief Engineer and Assistant Secretary in the Public Works Department, Irrigation Branch, Bengal.

F. H. RUNDALL, *Col., R. E.,*
Joint-Secy. to the Govt. of Bengal,
P. W. Dept., Irrigation Branch.

JUST PUBLISHED
By Authority
THE QUARTERLY CIVIL LIST
FOR THE
LOWER PROVINCES OF BENGAL.
No. XIII., NEW SERIES,
Corrected up to 1st October 1869.
Price Rs. 3 per Copy—Postage 5 annas.
BENGAL SECRETARIAT,
The 16th October 1869. (F)

Ecclesiastical.

THE REVEREND CHARLES EDWARD WHEELER, Junior Chaplain, and the REVEREND HEWETT LINTON, Minister, have been appointed by the Lord Bishop Surrogates in this Diocese for granting Episcopal Licences of Marriage.

AUGUSTUS STEWART,
Offg. Registrar and Secretary.

CALCUTTA,
The 26th October 1869. (F)

Notification.

EXTRA Assistant Commissioner, Mr. E. Stewart, has been placed in charge of the Rajmehal Treasury on the 5th instant, and has been authorized to draw Bills on other Treasuries.

J. W. DALRYMPLE,
Commr., Sonthal Pergunnahs.

The 7th October 1869. (F)

Notification.

EXTRA Assistant Commissioner, Mr. A. J. Fraser, has been placed in charge of the Godda Treasury on the 2nd instant, and has been authorized to draw Bills on other Treasuries.

SYUD AMEER HOSSEIN,
Personal Assistant, for Commissioner, Sonthal Pergunnahs.

The 7th October 1869. (F)

Notice.

THE Singbhoom Annual Fair will be held as usual at Chyebassa during the last fortnight in December 1869.

(Sd.) E. G. LILLINGSTON,
Offg. Dy. Commr., Singbhoom.

CHYEBASSA,
The 30th September 1869. (F)

Gilchrist Scholarship Examination.

NOTICE.

WITH reference to the Government Notification dated the 12th December 1868, published in the *Calcutta Gazette* of the 16th idem, page 2044, it is hereby notified that the next Examination for the Gilchrist Scholarships will be held on the 18th January 1870, at the Presidency College, Calcutta. Candidates must apply to the Director of Public Instruction, Bengal, before the 31st December 1869.

W. S. ATKINSON,
Director of Public Instruction.

DARJEELING,
The 17th September 1869. (F)

RETAIL PRICES OF FOOD AS REPORTED TO GOVERNMENT DURING THE WEEK ENDING 23RD OCTOBER 1869.

Number of Seers of 80 Tolahs weight retailed for a rupee.

AT	Date of Return from each District.	Cleaned Rice in Ordinary use.			Pulses in Ordinary use.			Wheat.		Attah.		Janera, Jowar and such Grains.	
		Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
Districts in which the prices are same or nearly the same.													
Purrung ...	11th Oct. 1869	8	32	16	10	18	13	16	12	8	5	*	*
Sechsangor ...	9th „	5	12	12	5	6	5	8	8	5	5	*	*
Bodda ...	9th „	12	28	15	10	30	12	26	12	16	8	60	50
Nya-Doomka ...	18th „	15	24	16	12	16	15	20	10	12	7	80	80
Beerbhoom† ...	9th „ / 16th „	16½	27	19½	*	30	20	24	11¼	15	8	68	42
Singbhoom ...	18th „	16	30	24	16	24	22	15	14	10	10	*	*
Cachar† ...	11th „ / 18th „	14½	28	16 3/8	10⅜	13	11⅜	13	13 5/16	6	5⅞	*	*
Calcutta ...	23rd „	9	15½	14½	9	20	16½	13½	12	9	8	*	*
Tirhoot ...	15th „	14	27	19	10½	26	11	24	13	19	10	35	32½
Sograh ...	18th „	16	31½	22	8	17	12	30	13	12	6½	*	*
Districts in which all or most articles are dearer.													
Hooghly† ...	18th Octr. 1869	12	17½	16	7	21	15	16	11½	9	8½	17½	10½*
Hazareebaugh ...	16th „	10	25	16	6½	35	22	20	10	16	7½	50 / 96a	36 / 36a
Lohardugga ...	16th „	10	40	24	8	17	15	13	8¼	10	6	40	40
Districts in which all or most articles are cheaper.													
Hooghly† ...	11th Octr. 1869	12	18½	16½	7⅞	21	17	17	12	11	9	18	11½
Agra ...	11th „	12	25	13½	11	32	12	27	12½	22	10	27	24½
Districts in which some articles are dearer and some cheaper.													
Maungulpore ...	17th Octr. 1869	12⅝	31½	17 11/16	11⅜	47 5/16	15½	27¾	13⅜	20 3/16	11⅜	26½	26½
Burdwan ...	23rd „	17¼	29¾	18½	9¼	23½	20¾	16½	12½	13⅜	9¼	*	*
Patna ...	15th „	13	21 5/16	16	8	22	13	16 3/32	11½	14 5/16	9	29 5/16	27
Purun ...	17th „	12	25	17	9	5	14	28	12	24	8½	40	27
Moorshedabad ...	24th „	12¼	23¼	18⅜	8	27	17¼	22	12⅜	18½	8½	28	*

* Information not supplied.

† Both returns were received during the week under report.

a Price of Mahooa.

NOTE.—The returns for those districts which are omitted have not been received.

PUBLISHED for general information.

FORT WILLIAM,
The 26th October 1869.

H. S. BEADON,
Offg. Under-Secy. to the Govt. of Bengal. (F)

NOTICE.

List of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1869, May 14th ..	15 Quarter Boxes Gunpowder, Moyapore Magazine, B. L. and Co. ...	Carnarvon Castle.
„ 14th ...	40 Quarter Barrels Gunpowder, Moyapore Magazine, W. H. and Co. ...	Ditto.
Sept. 8th ...	1 Cask, Y. G. and Co. ..	British Statesman.
„ 14th ...	1 Parcel, [J F C] ...	Saint Kilda.
Aug. 16th ...	4 Bales, P L ..	Arratoon Apcar.
„ 16th ...	1 Case, X ...	Ditto.
„ 10th ...	1 Bag, V M ...	Bushier.
Sept. 2nd ...	1 Truss, 2 and 12 ...	Iron Side.
Aug. 10th ..	1 Package, D. B. Co. ...	Meinam.

Calcutta Customs,
The 26th October 1869.

J. A. Crawford,
Collector of Customs.

NOTICE.

The undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section 57 of Act VI. of 1863 :—

Date of Sale.	Mark or Address of Packages.	Ships.
1869, Nov. 13th ...	5 Packages, [D] ..	Benton.
„ 13th ...	195 Cases, [D N D P] ...	Ditto.
„ 13th ...	1 Case, [N C] ...	Ditto.
„ 13th ..	1 Case, [M N M and G P M] P, 53 ...	Ditto.
„ 13th ..	1 Cask, N C ..	Ditto.
„ 13th ...	1 Chair, no mark ..	Str. China.
„ 13th ...	1 Parcel, S. and C. ...	Ditto.
„ 13th ...	1 Tin Box, Major Matheson, Allahabad, care of Superintendent P. and O. S. N. Co. ..	Ditto.
„ 13th ...	2 Trusses, C ..	British Nation.
„ 13th ...	1 Parcel, Huber and Co. ...	Wiltshire.
„ 13th ...	1 Parcel, [D] Ker, Dodds and Co. ...	Ditto.
„ 13th ..	1 Parcel, M. Stewart and Co. ...	Ditto.
„ 13th ...	1 Parcel, Sunn ...	Ditto.
„ 13th ...	1 Cask, no mark ...	Unknown.

Calcutta Customs,
The 26th October 1869.

J. A. Crawford,
Collector of Customs.

NOTICE.

The undermentioned Packages, landed under Section 52 of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section 56 of Act VI. of 1863 :—

Date of Sale.		
	City of Calcutta.	
1869, Nov. 12th ...	E C, 2 Cases.	
	Benton.	
1869, Nov. 12th ...	[D N D P] 6 Cases .. [N C] 1 Case	... [D] 9 Kegs.
„ 12th ...	J, 590 bundles Iron.	
	Rooparell.	
1869, Nov. 13th ...	No mark, 10 Barrels.	
	British Nation.	
1869, Nov. 12th ...	[D N D P] 81 Packages... [D N D] 2 Casks.	
	India.	
1869, Nov. 24th ...	[J F C] 2 Parcels.	

Calcutta Customs,
The 26th October 1869.

J. A. Crawford,
Collector of Customs.

NOTICE.

The following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

	Calcutta.		
1869, Nov. 30th ...	C and C, H. S. K. and Co., 1 Cask.		
	British Statesman.		
1869, Dec. 4th ..	[23] W, 1 Case	...S C S, 1 Case	... C W W, 16 Casks.
„ 4th ...	W W W D, 1 Crate	...[L E V J] [L] Kettlewell, Bullen and Co., 1 Parcel.	
	City of Seringapatam.		
1869, Dec. 7th ..	Mackinnon, Mackenzie and Co., 1 Case.		

CALCUTTA CUSTOMS,
The 26th October 1869.

J. A. CRAWFORD,
Collector of Customs.

(F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 3,000 acres, more or less, situated in Rungli Rungliot, known as Tanoom Mundul's Land at Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Rungjo Jhora.
South.—Land belonging to Mr. W. Lloyd.
East.—Government Forest Land.
West.—Straight line to Rungjo Jhora at right angles to the ridge so as to give an area of 3,000 acres.

(F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 1,460 acres, more or less, situated in Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Truetler's Land.
South.—Government Forest Reserve.
West.—The Portong or Mungha River.
East.—The Balasun River.

(F)

Notice

Is hereby given that the undermentioned lot of Waste Lands, estimated to consist of about 72 acres 2 roods and 20 poles, more or less, situated in Mouzah Captainpur, Pergunnah Rupaibali, Zillah Cachar, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by auction to the highest bidder above the upset price of Two Rupees and Eight Annas per acre, on the second day of December 1869, at the Office of the Deputy Commissioner of Cachar, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863 :—

Boundaries.

East—Settled lands of Pattah, No. 81, belonging to Mohun Sing and others.

West and South.—Settled lands of Mouzah Captainpur.

North.—Boundary of Mouzah Beienakandy, contained in Dags Nos. 412, 413, 414, 429, 430, 432, 433, 435, 436, 437 and 439.

O. G. R. McWILLIAM,
Offg. Deputy Commissioner.

CACHAR DEPUTY COMMISSIONER'S OFFICE,
The 2nd September 1869. (F)

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels on the 22nd October 1869.

Names of Rivers.	Least depth of water.	Remarks.
	Ft. In.	
MATABANGAH.		
Above Entrance in Ganges ...	37 6	
On the Entrance Shoal ...	18 9	
Thence to Hât Bouleah, 44 miles ...	21 0	
Hât Bouleah to Alickdeah ...	17 0	
Alickdeah to Kissengunge, 38 miles ...	20 10	
Kissengunge to Hooghly River, 34 miles ...	18 6	
BHAGIRUTTEE.		
Junction with Ganges ...	46 3	
Entrance ...	16 0	
Thence to Jungypore ...	17 6	
Thence to Jeagunge ...	26 6	
Jeagunge to Cutwa, 60 miles	20 6	
Cutwa to Nuddea, 46 miles ...	27 0	
JELLINGHEE.		
Entrance ...	7 3	
Thence to Kurreempore, 19 miles ...	8 0	
Kurreempore to Teeakatta, 35 miles ...	15 6	
Teeakatta to Nuddea, 60 miles	29 3	

Height on Guage at Berhampore, on the 25th October 1869, 23 feet 6½ inches.

T. H. WICKES, C. E.,
Exc. Engr., Nuddea (Local) Rivers' Divn.

BERHAMPORE,
The 25th October 1869. (F)

Notice.

AN authorized Bengalee translation of the Imperial Act VIII. of 1869 amending the Criminal Procedure Code can be obtained from Messrs. G. C. Hay and Co., Book-sellers, or at the Office of the *Calcutta Gazette*, at 12 annas a copy. (F)

Notice

Is hereby given that the Government Steamer *Kolodyne*, attached to Assam, is at present undergoing repair at Calcutta, and will shortly be returning to Gowhatty *viâ* Dacca. Any Department therefore, Civil or Military, that has Government stores to send either to Dacca, or to Assam, is invited to take advantage of this opportunity to forward the same to their destination through the Marine Office.

WM. AGNEW,
Offg. Commr. of Assam.

COMMISSIONER'S OFFICE ;
Assam Division,
The 15th October 1869. (F)

Statement shewing the importation of Salt (private property) in Bond and Afloat on River Hooghly, subject to Customs' duty on the 16th October 1869.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In Mds.	In Mds.	In Mds.	In Mds.
Liverpool Pungah ...	18,74,616	7,500	3,04,997	21,87,113
French Kurkutch ...	23,767	.....	.....	23,767
Ceylon ,, ...	76,348	.....	15,050	91,398
Bombay ,, ...	2,35,043	.....	16,636	2,51,679
Kurrachee ,, ...	20,422	.....	...	20,422
Madras ,, ...	1,18,630	.....	28,464	1,47,094
Arabian and Persian Gulf's Kurkutch and Muscat Rock ...	50,916	10,190	2,29,199	2,90,305
Total ...	23,99,742	17,690	5,94,346	30,11,778

By Order of the Board of Revenue, L. P.,

J. A. CRAWFORD,
Collector of Customs.

CALCUTTA CUSTOM HOUSE,
The 26th October 1869. (F)

Notice.

IN accordance with instructions received from Bombay from Ramjee Madomjee, Esq., senior partner of the firm in Calcutta of Moolchund Premjee, afterwards called Moolchund Premjee and Co., notice is hereby given that the business of the said firm will be discontinued from and after the 3rd November next, and it is hereby requested that all parties who are indebted to or have claim against the said firm will be good enough to liquidate their debt or send in their claims before the date aforesaid.

MOOLCHUND PREMJEE & Co.

CALCUTTA,
The 13th October 1869. (148—2)

Bank of Bengal.

NOTICE is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office, will be closed on Wednesday and Thursday, the 3rd and 4th proximo, on account of the Hindoo festival Kalee Poojah, in conformity with Government Notification No. 3464 of the 29th October 1867.

By Order of the Directors,

G. W. MOULTRIE,

Offg. Secretary and Treasurer.

BANK OF BENGAL,
The 26th October 1869. (149—1)

Victoria Tea Company, Limited.

NOTICE is hereby given that an Extraordinary General Meeting of Shareholders of the Victoria Tea Company, Limited, will be held at noon, on the sixth day of November next, at the registered Office of the Company, No. 104, Clive Street, in order to confirm the Resolution to be proposed at the Extraordinary General Meeting of Shareholders to be held on the 8th October.

Dated the seventh day of October 1869.

By Order of the Directors,

BORRADAILE, SCHILLER & Co.,

(139—4) *Agents and Secretaries.*

Beerbhoom Coal Company, "Limited."

NOTICE is hereby given that the Half-yearly Ordinary General Meeting of the Shareholders of this Company will be held at the registered Office of the Company, No. 1, Hare Street, Calcutta, on Saturday, the 30th instant, at noon, for the purpose of receiving the Directors' Report and passing the Accounts for the Half-year ending the 31st July 1869.

J. E. MACLACHLAN,

Managing Director.

1, HARE STREET;
Calcutta,
The 13th October 1869. (144—2)

Desirable Investment for Engineers

OR OTHER PERSONS ENGAGED OR INTERESTED IN

THE

STEAM SHIPPING OF THE RIVER "HOOGHLY."

FOR SALE by public auction on an early day, (unless previously disposed of by private treaty,) under the power of sale contained in the mortgage deed, and subject to the conditions to be hereafter produced.

The stock in trade, plant, erections, machinery, and fittings in and upon *the premises No. 44, Garden Reach*, also the Good-will of the business of Mechanical Engineers, Founders, and Engine Fitters, now carried on by Messrs. Chance, Thompson and Co., at Garden Reach aforesaid, and the Lease of the premises, as well as the book debts, securities, and contracts, of the above-named firm.

For further particulars enquire of Messrs. Rogers and Remfry, Solicitors, Calcutta.

5, FANCY LANE,
The 18th October 1869. (145—2)

The East India Tea Company, "Limited."

THE Half-yearly Ordinary General Meeting of the Shareholders of this Company will be held at the registered Office, No. 7, Church Lane, on Saturday, the 30th October, at noon, to receive the Directors' Report and Accounts for the Half-year ending 30th June 1869.

R. BLECHYNDEN,

Secretary.

CALCUTTA,
The 9th October 1869. (143—2)

Notice.

MR. JAMES HEGGIE MUDIE has this day been admitted a Partner in our Firm.

GLADSTONE, WYLLIE AND Co.

CALCUTTA,
The 11th October 1869. (142—3)

Notice.

Two good rooms available for Office accommodation at the Office of the Commissioner of the Presidency Division, No. 3, Theatre Road. Rent, Rupees 65 a month.

(13—*f. n.*)

Notice.

Supposed to have been lost in transit from England.

FIRST-HALVES of the following 5½ per cent. and 15 years' Debenture Notes, renewal of which has been stopped:—

No. 011977	of 1859-60, 5½ per cent.,	Rs.	5,000
,, 011701	,, ,,	,,	5,000
,, 011702	,, ,,	,,	5,000
,, 011703	,, ,,	,,	5,000

Second-half:

No. 012866	of 1859-60, 5½ per cent.,	Rs.	10,000
		Rs.	30,000

15 years' Debenture.

Second-halves:

No. 001969	of 1867, 5 per cent.,	Rs.	1,000
,, 001970	,, ,,	,,	1,000
,, 001971	,, ,,	,,	1,000
,, 001972	,, ,,	,,	1,000
,, 001973	,, ,,	,,	1,000
,, 001974	,, ,,	,,	1,000
,, 001975	,, ,,	,,	1,000
,, 001976	,, ,,	,,	5,000
,, 001977	,, ,,	,,	5,000
,, 001978	,, ,,	,,	5,000
,, 001979	,, ,,	,,	5,000
,, 001963	,, ,,	,,	5,000
,, 001964	,, ,,	,,	5,000
,, 001965	,, ,,	,,	5,000
,, 001966	,, ,,	,,	5,000
,, 001967	,, ,,	,,	5,000
,, 001968	,, ,,	,,	5,000
		Rs.	... 57,000

WATTENBACH, HEILGERS & Co.

CALCUTTA,
The 8th October 1869. (141—3)

Administrator-General's Office.

NOTICE.

ADMITTED Claims against the undermentioned Estates are payable on Tuesday and Friday, as usual:—

ESTATES.	Claims or Dividends.	Rates of Dividend per Rupee.	Remarks.
Chalmers, W. A., Lieutenant, late in 56th Regiment, Native Infantry	2nd Dividend	at 9p.	
* Goode, C. B., late a Contractor in H.M.'s East Indian Service	Claims	in full.	
Lattey, R. A., late Civil Surgeon of Chumparun, in the district of Sarun ...	1st Dividend	at 13as. 9¾p.	
* Mellor, E., Mrs., late residing in Coolie Bazar, in the Suburbs of Calcutta	Claims	in full	
Nevin, Henry, late a British subject residing at Peshawur, and Clerk to the Court of Small Causes	1st Dividend	at 7as 6¼p.	
* Otis, W. C., late a Relieving Station-master, in the service of East Indian Railway Company	Claims	in full.	
* Stewart, James Frederick, Assistant-Surgeon, late in the Military Service ...	Ditto	do.	

N. B.—Persons interested in the surplus of the Estates marked (*) are requested to make immediate application to the Officiating Administrator-General, forwarding documentary evidence of their claims.

Persons presenting receipts for payment are requested at the same time to produce the Registry Certificates which have been granted to them from this Office.

C. J. WILKINSON,
Offg. Administrator-General.

CALCUTTA, 4, STRAND,
The 7th October 1869. (146—1)

CURRENCY NOTES.

Extract from Financial Department Notification, No. 1004*d.*, *dated Simla*, 30*th July* 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed Note, or portion of Note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the Note is payable, and *once* in the *Gazette of India*.

Lost,

A CURRENCY Note, the serial letter and number of which are not known:—
No. 89659, for Rs. 100.
SREENATH DEY.

IN an unregistered letter, half of the following Currency Note:—
No. A71—85162, for Rs. 20.
RAMRUTTON GHOSE.

FIRST-HALF of following Currency Note, belonging to Staff Surgeon-Major Macbeth, intimation of loss given to the Currency Office, Calcutta:—
No. A35—92581, dated 4th January 1867, for Rupees 50.
A. G. MAYNE.

HALF of the following Currency Note:—
No. A54—11858, for Rupees 20.
LUCKHEERAM MOHOTUM.

A GOVERNMENT Currency Note, intimation of loss given to the Currency Office, Calcutta.
No. A64—18525, for Rupees 100.
TARANATHA TARKAVACHASPATI.

Mutilated.

HALF of the following Currency Note:—
No. A24—05337, for Rs. 50.
GOUR MOHUN DASS.

Lost or Stolen,

HALF of the following Currency Note, No. A11—38859, of 13th July 1861, for Rupees 50.
REGINALD DRAKE.

HALF of the Government Currency Note, No. A27—54945, for Rupees 20.
SHEIKH PEERO AND OTHERS,
Seebsaugor, Upper Assam.

THE following Government Currency Notes, payment stopped at the Currency Office:—

No. A64—01307, for Rs. 100.
,, A56—73585, ,, 50.
,, A56—79173, ,, 50.
,, A72—52250, ,, 20.
,, A72—11655, ,, 20.
,, A66—90434, ,, 10.
DAYAM ALLY.

Wrongly joined.

THE following wrongly joined Currency Notes received in the course of business:—

First-half No. A71—87156 } Rs. 20.
Second-half No. A71—87162 }
First-half No. A48—78697 } Rs. 10.
Second-half No. A48—78673 }
First-half No. A6—79320 } Rs. 10.
Second-half No. A6—79319 }
DOYAL CHAND SEN.

On Saturday next, the 30*th October current,*
AT NOON,
On the Custom House Wharf,
After obtaining the permission of the Collector of Customs, on account of the concerned,
Ex *Knight Commander*,
A Stump of an Iron Mainmast,
WEIGHING ABOUT 25 CWT.
An Iron Fore Topsail Yard,
Broken in two pieces. (147—1)

SELECTIONS FROM CALCUTTA GAZETTES.

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(133—*f. n.*)

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(F)

Edited by the Secretary, Board of Revenue.

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ENGAGED IN

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OF THE

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IN THE

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OFFICE OF SUPDT. OF GOVT. PRINTING

No 4, HASTINGS' STREET.

1866.

(21—from 25-7-66, *f. n.*)

Postal Notices.

SEA AND OVERLAND MAILS.

For	Box closes at	Per
Port Blair, Camerta, Penang, and Singapore ...	6 P. M. on the 28th Oct.	Steamer *Scotia.*
Chittagong and Akyab ...	,, ,, 28th ,,	,, *Moulmein.*
Rangoon and Moulmein ...	,, ,, 28th ,,	,, *Mahratta.*
False Point, Gopaulpore, Bimlipatam, Vizigapatam, Coconada, Madras, Negapatam, Galle, Colombo, Tuticorin, Cochin, Beypore, Calicut, Cannanore, Mangalore, Carwar, and Bombay	,, ,, 1st Nov.	,, *Arabia.*

CALCUTTA,
The 22nd October 1869.

E. C. GEORGE,
Offg. Post-Master.

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office, during the week endin
23rd October 1869.

Arakiel, Mrs. A.
Ager, D. G.
Abrio, Mrs. S.
Attardes, J. J.
Abdool Hie.
Anderson, G. M. D.
Avanzi, A.
Albert & Co.
Anniss & Co.
Barns, Lt. G. W.
Baptist, E.
Brine, H. T.
Brown, C. J.
Blacker, H. G.
Bearnes, P. T.
Baillie, W. E.
Brewer, T. S. M.
Beali, B. W.
Baney Madhub Doss.
Channon, Mrs.
Clark & Co.
Collin, Mrs. J.
Cook, Mrs. L.
Cantopher, W.
Conell.
Capper, W. C.
Dunn, E.
D'Coster, Mrs. A.
Degaster, A.
Donoghue, Dr. J.
Dennys, Col. E. L.
Dunnett, Mrs.
Dukes, W. J.
David.
Driver, S. H.
D'Souza, R. A.
Executor, late Major G. F. Vincent.
Foley, A.
Fulton, J.
Fulton, Mrs. J.
Gillor, R.
Golam Maiser.
Gore, Mrs. E.
Gordon, Miss M.
Hardless, Mrs. E.
Homes, Revd. N.
Hope, G. (77th Regt.)
Huton, R. C.
Hanwek, H. M.
Hamilton, T.
Hough, A.
Ivey, W.
Jones, E.
Jose, C. W. A.
James, A. H.
Jones, W.
Kyrle, A. M.
Kerk, Capt. P.
Keys, J. T.
Kettle and Charles.
Kenny, N.
Labjain Lakjhee.
Leman, C.
Law, G. A.
Mabert, G.
MacLean, Miss A.
McLean, J.
Manuell, G.
Money Kyrle.
McGregor, Mrs.
Magee, H.
Manuel, Mrs. L.
Mason, H.
Martin, Mrs. E.
Marsh, C.
Mills, C. S.
Montgomery Miss A.
Mariano, J.
Medley, J.
Mabert, G.
Manager, Burketty Press.
Manuel, Miss S.
Norman, J.
Okeeffe, J.
Oliver, J.
Porter & Whitlam.
Robinson, Miss C. J.
Rousscan, Mrs. M.
Robinson, A.
Rice, W. E.
Rozario, Mrs. J.
Ram, J
Reed, G. R.
Russell & Co.
Roberts, C. E.
Shaw, J.
Scott, Miss E.
Shea, Mrs. R.
Slobesbury, W.
Steel, S.
Smith, D.
Troy, Miss.
Thomas, L.
Tadur Mull, Marwary.
Underwood, Mrs. A.
Vears. H.
Welmer, J. R.
Woodridge, H. W.
Wilks, Mrs. E.
Westgate, H. W.
Whitwell, Dr. H.
Watts, C. A.
William, Mrs.
Ware, W. J.
Young, Lt. C.

CALCUTTA POST OFFICE,
The 25th October 1869.

E. C. GEORGE,
Offg. Post-Master of Calcutta.

Printed and Published for the Government by EDWIN MORRIS LEWIS, *at the Office of the Bengal Secretariat, Calcutta.*

No. 44 of 1869

The Calcutta Gazette.

WEDNESDAY, NOVEMBER 3, 1869.

Government of India.

LEGISLATIVE DEPARTMENT.

The following Bill and Statement of Objects and Reasons are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 16 of 1869.

THE COURT FEES BILL, 1869.

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SECTION.

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THE COURT FEES BILL, 1869.

CHAPTER I.—PRELIMINARY.

Short Title. 1. This Act may be called "The Court Fees Act, 1869:"

Extent of Act. It extends to the whole of British India;

Commencement of Act. And it shall come into force on the first day of January 1870.

Repeal of enactments. 2. On and after that day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

CHAPTER II.—FEES LEVIABLE IN THE HIGH COURTS AND IN THE COURTS OF SMALL CAUSES AT THE PRESIDENCY TOWNS.

Levy of fees in High Courts on their original side and in Presidency Small Cause Courts.

3. Such fees as are for the time being chargeable in each of the High Courts established by Letters Patent and their several offices by virtue of the power conferred upon them by Statute twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four, section fifteen, or under Nos. 6 and 9 of the first, and Nos. 7, 9, 10 and 12 of the second, schedule to this Act annexed;

and such fees as are for the time being chargeable in the Courts of Small Causes at the Presidency Towns and their several offices;

shall be levied in manner hereinafter appearing.

Fees on instruments filed in High Courts on their appellate side.

4. No instrument of any of the kinds specified in the first or second schedule to this Act annexed, as chargeable with fees, shall be filed, exhibited or recorded in, or shall be received or furnished by, any of the said High Courts in any case coming before such Court in the exercise of its appellate jurisdiction under section fifteen of the Letters Patent under which it is constituted;

or in the exercise of its extraordinary original jurisdiction under sections thirteen and twenty-four of the same Letters Patent;

or as a Court of appeal, reference or revision under sections twenty-seven and twenty-eight of the said Letters Patent;

unless in respect of such instrument there be paid a fee of an amount not less than that indicated by the said schedules as the proper fee for such instrument.

Procedure in case of difference as to necessity of paying a fee.

5. If any difference arise between the officer whose duty it is to see that any fee is paid under this chapter and any suitor or attorney, as to the necessity of paying a fee or the amount thereof, the question shall, when the difference arises in a High Court, be referred to the taxing officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of such High Court.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

CHAPTER III.—FEES LEVIABLE IN OTHER COURTS.

Fee on instrument filed in Mofussil Courts or in Government Offices.

6. Except in the Courts hereinbefore mentioned, no instrument of any of the kinds specified as chargeable in the first or second schedule to this Act annexed shall be filed, exhibited or recorded in any Court of Justice or Government Office, or shall be received or furnished by any public officer, unless in respect of such instrument there be paid a fee of an amount not less than that indicated in either of the said schedules to be the proper fee for such instrument.

Computation of fees payable in certain suits.

7. The amount of fee payable under this Act in the suits next hereinafter mentioned shall be computed as follows:—

For money.

(1.) In suits for money (including suits for damages or compensation)——according to the amount claimed:

For other moveable property.

(2.) In suits for moveable property other than money——according to the market-value of the subject-matter of the suit at the date of filing the plaint, or (where the subject-matter has no market-value, as, for instance, in the case of accounts or of documents relating to title) according to the amount at which the subject-matter is estimated in the petition of plaint or appeal:

For maintenance and annuities.

(3.) In suits for maintenance and annuities——according to the value of the subject-matter of the suit, and such value shall be deemed to be ten times the amount claimed to be payable for one year:

For land.

(4.) In suits for land——according to the value of the subject-matter of the suit; and such value shall be deemed to be—

(*a.*) where the land forms an entire estate paying annual revenue to Government,

or forms part of such an estate and is recorded in the Collector's register as separately assessed with such revenue,

and such revenue is permanently settled,

ten times the revenue so payable;

(*b.*) where the land forms part of an entire estate paying annual revenue to Government, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled but not permanently,

five times the revenue so payable;

(*c.*) where the land pays no such revenue, fifteen times the net profits arising therefrom during the year next before the date of presenting the petition of plaint or appeal:

Proviso as to Bombay Presidency.

Provided that in the territories subject to the Governor of Bombay in Council, such value shall be deemed to be—

(*a.*) where the land is held on settlement for a period not exceeding thirty years and pays the full assessment to Government, a sum equal to five times the survey assessment;

(*b.*) where the land is held on a permanent settlement, or on a settlement, for any period exceeding thirty years, and pays the full assessment to Government, a sum equal to ten times the survey assessment; and

(*c.*) where the whole or any part of the annual survey assessment is remitted, a sum computed under clause (*a.*) or (*b.*) of this proviso, as the case may be, in addition to ten times the assessment or the portion of assessment, so remitted:

For houses, gardens, and portions of revenue-paying estates.

(5.) In suits for houses, for gardens and for land forming part of an estate paying revenue to Government, but not separately assessed as mentioned in paragraph four of this section,——according to

the market-value of the subject-matter of the suit; and

Between landlord and tenant.

(6.) In suits (other than suits for money) between landlord and tenant,——according to the amount of the rent of the land to which the suit refers payable for the year next before the date of filing the plaint.

Power to ascertain market-value or net profits.

8. In order to ascertain the market-value or the annual net profits of any such land, house or garden as is mentioned in section seven, paragraphs four and five, for the purpose of computing the fee leviable on the institution of a suit relating thereto, the Court may either of its own motion, or on the application of any party to the suit, issue a commission to any proper person directing him to make such local or other investigation as may be necessary, and to report thereon to the Court, and the decision of the Court as to such market-value or profits shall, for the purpose aforesaid, be final.

Procedure where market-value or net profits erroneously estimated.

9. If in the result of any such investigation the Court shall find that the market-value or net profits has or have been erroneously estimated, the Court shall either, as the case may be, refund the excess paid as such fee, or require the plaintiff to pay so much additional fee as would have been payable had the said market-value or net profits been correctly estimated; and in such case the suit shall be stayed until the additional fee shall have been paid.

Section 180 of the Code of Civil Procedure shall be construed as if the words "the market-value of any property in suit or" were inserted after the word "ascertaining," and as if the words "or annual net profits" were inserted after the word "damages."

Procedure in suits for mesne profits when profits decreed exceed profits claimed.

10. In suits for mesne profits or for immoveable property and mesne profits, if the profits decreed are in excess of the profits claimed, the decree shall not be executed until the difference between the fee actually paid and the fee which would have been payable had the suit comprised the whole of the profits so decreed shall have been paid to the proper officer.

Such difference shall be calculated by the Court according to the rules above-mentioned, and shall be costs in the suit.

Refund of fee paid on petition of appeal.

11. If an appeal or plaint, which has been rejected by the lower Court on any of the grounds mentioned in the Code of Civil Procedure, is ordered to be received, or if a suit is remanded in appeal, on any of the grounds mentioned in section 351 of the same Code, for a second decision by the lower Court, the appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of fee paid on the petition of appeal:

Provided that, if, in the case of a remand in appeal, the order of remand shall not cover the whole of the subject-matter of the suit, the certificate so granted shall not authorize the appellant to receive back more than so much fee as would have been originally payable on the part or parts of such subject-matter in respect whereof the suit has been remanded.

Additional fee where respondent takes objection to unappealed part of decree.

12. When any appeal is presented to a Civil Court, not against the whole of a decision, but only against so much thereof as relates to a portion of the subject-matter of the suit, and, on the hearing of such appeal, the respondent takes, under section 348 of the Code of Civil Procedure, an objection to any part of the said decision other than the part appealed against, the Court shall not hear such objection until the respondent shall have paid the additional fee which would have been payable had the appeal comprised the part of the decision so objected to.

Such additional fee shall be calculated by the Court according to the rules above-mentioned, and shall be costs in the suit.

Decision of questions as to valuation.

13. All questions relating to valuation for the purpose of determining the amount of fee chargeable under this chapter on a petition of plaint or of appeal, shall be decided by the Court in which such petition is filed, and except as provided by section eight, shall be subject to any appeal to which the orders of such Court are open.

Exemption of certain instruments.

14. Nothing contained in this Act shall render the following instruments liable to duty:—

(1.) First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit in any Criminal Court.

(2.) Application or petition to a Collector or other officer making a settlement of land revenue, or to a Board of Revenue, or a Commissioner of Revenue, relating to matters connected with the assessment of land, or the ascertainment of rights thereto or interests therein, if presented previous to the final confirmation of such settlement.

(3.) Application for permission to cut timber in Government forests, or otherwise relating to such forests.

(4.) Application for the payment of money due by Government to the applicant.

(5.) Power of attorney to institute or defend a suit when executed by an officer, warrant-officer, non-commissioned officer or private of Her Majesty's Army not in civil employment.

(6.) Bail-bonds in criminal cases, recognizances to prosecute or give evidence, and recognizances for personal appearance or otherwise.

(7.) Petition, application, charge, or information respecting any offence, when presented, made or laid to or before a Police officer, or to or before the heads of villages or the village Police in the territories respectively subject to the Governors in Council of Madras and Bombay.

(8.) Petition by a prisoner, or other person in duress or under restraint of any Court or its officers.

(9.) Petition of appeal against the chaukídárí assessment under Act No. XX of 1856, or against any municipal tax.

(10.) Petition of plaint presented to a Military Court of Requests.

(11.) Petition by a Municipal Officer to a Municipal Commissioner relating to offences against the Act under which the Commissioner is appointed.

CHAPTER IV.—Of the mode of levying Fees.

Collection of fees by stamps.

15. All fees leviable under this Act shall be collected by stamps.

Stamps to be impressed or adhesive.

16. All or any stamps to be used under this Act shall be impressed or adhesive as the Local Government may, from time to time, direct.

Rules for use, renewal and keeping accounts of stamps.

17. The Local Government may, from time to time, make rules for regulating the use of stamps under this Act, for the renewal of damaged or spoiled stamps, and for keeping accounts of all stamps used under this Act:

Provided that, in the case of stamps used under section four in a High Court, such rules shall be made with the concurrence of the Chief Justice of such Court.

Stamping documents inadvertently received.

18. No document which ought to bear a stamp under this Act shall be of any validity, uless and until it is properly stamped; but if any such document is through mistake or inadvertence received, filed or used in any Court or office without being properly stamped, the presiding Judge or the head of the office, as the case may be, or, in the case of a High Court, any Judge of such Court, may, if he thinks fit, order that the same be stamped as he may direct; and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amended document.

19. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Cancellation of stamp.

20. No document requiring a stamp under this Act shall be filed or acted upon in any proceeding in any Court or office until the stamp has been cancelled. Such officer as the Court or the head of the office shall, from time to time, appoint shall effect such cancellation by punching out the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

CHAPTER V.—Miscellaneous.

Rules for sale of stamps.

21. In the General Stamp Act, 1869, section forty-eight shall be read as if for the words and figures "Act No. XXVI of 1867," the words and figures "The Court-Fees Act, 1869," were substituted.

Power to reduce or remit fees.

22. The Governor General of India in Council may, from time to time, by a notification in the *Gazette of India*, reduce or remit in the whole or in any part of British India the fees prescribed by this Act for all or any of the instruments referred to in section six;

and may in like manner cancel or vary such order.

Saving of fees to sheriff and attorneys.

23. Nothing in Chapter IV of this Act shall apply to the fees allowed to the sheriff or attorneys of a High Court, or to the fees which [illegible]icer of such Court shall be allowed to r[illegible]ddition to any fixed salary.

Fr[illegible] service or e[illegible]ess.

[illegible]ver an application for service or execution of process is granted, the Court granting the same shall fix the time within wh[illegible]ess shall be served or executed, and after the expiration of such time, if the process shall not have been served or executed, and if the applicant still desire its service or execution, a fresh application shall be necessary.

SCHEDULE I.

Ad valorem fees.

		Proper Fee. Rs.	As.	P.
1. Petition of plaint or appeal (not otherwise provided for in this Act or any Act passed by the Council of the Governor General for making Laws and Regulations), presented to any Civil or Revenue Court, except those mentioned in section four of this Act.*	When the amount or value of the subject-matter sought to be recovered in such suit or appeal does not exceed Rupees 5.	0	6	0
	When such amount or value exceeds Rupees 5, For every Rupees 5, or part thereof, in excess of Rupees 5, up to Rupees 100.	0	6	0
	When such amount or value exceeds Rupees 100, For every Rupees 10, or part thereof, in excess of Rupees 100, up to Rupees 1,000.	0	12	0
	When such amount or value exceeds Rupees 1,000, For every Rupees 100, or part thereof, in excess of Rupees 1,000 up to Rupees 5,000.	5	0	0
	When such amount or value exceeds Rupees 5,000, For every Rupees 250, or part thereof, in excess of Rupees 5,000 up to Rupees 10,000.	10	0	0
	When such amount or value exceeds Rupees 10,000, For every Rupees 500, or part thereof, in excess of Rupees 10,000, up to Rupees 20,000.	15	0	0
	When such amount or value exceeds Rupees 20,000, For every Rupees 1,000, or part thereof, in excess of Rupees 20,000, up to Rupees 30,000.	20	0	0
	When such amount or value exceeds Rupees 30,000, For every Rupees 2,000, or part thereof, in excess of Rupees 30,000 up to Rupees 50,000.	20	0	0
	When such amount or value exceeds Rupees 50,000, For every Rupees 5,000 or part thereof, in excess of Rupees 50,000.	25	0	0
	Provided that the maximum fee leviable on a petition of plaint or appeal shall be Rupees 5,000.			
2. Copy or translation of a judgment or order not being, or having the force of, a decree.	When such judgment or order is passed by any Civil Court other than a High Court, or by the presiding officer of any Revenue Court or Office, or by any other Judicial or Executive Authority,—			
	(*a.*)—If the amount or value of the subject-matter is fifty, or less than fifty, rupees.	0	4	0
	(*b.*)—If such amount or value exceeds fifty rupees ...	0	8	0
	When such judgment or order is passed by a High Court..	1	0	0
3. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court, other than a High Court, or by any Revenue Court,—			
	(*a.*)—If the amount or value of the subject-matter of the suit wherein such decree or order is made, is fifty or less than fifty rupees.	0	8	0
	(*b.*)—If such amount or value exceeds fifty rupees ...	1	0	0
	When such decree or order is made by a High Court ...	4	0	0
4. Copy of any instrument or writing liable to stamp-duty under the General Stamp Act, 1869, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a.*)—When the stamp-duty chargeable on the original does not exceed eight annas.	The amount of the duty chargeable on the original.		
	(*b.*)—In any other case ...	0	8	0
5. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like taken out of any Civil or Criminal Court or Office, or from the Office of any chief officer charged with the executive administration of a Division or Department.	For each folio of 360 words ...	0	8	0

* To ascertain the proper fee leviable on the institution of a suit, see the Table annexed to this Schedule.

SCHEDULE I.—(*Continued.*)

		Proper Fee. Rs. As. P.
6. Probate of a will granted under the Indian Succession Act, 1865.	If the amount or value of the property comprised in the will does not exceeds Rupees 500.	1 0 0
	If such amount or value exceeds Rupees 500, but does not exceed Rupees 1,000.	10 0 0
	For every Rupees 1,000 or part thereof in excess of Rupees 1,000 up to Rupees 20,000.	20 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 20,000 up to Rupees 40,000.	50 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 40,000 up to Rupees 1,00,000.	100 0 0
	For every Rupees 10,000 or part thereof in excess of Rupees 100,000 up to Rupees 2,00,000.	150 0 0
	For every Rupees 50,000 or part thereof in excess of Rupees 2,00,000 up to Rupees 5,00,000.	500 0 0
	And for every Rupees 1,00,000, or part thereof in excess of Rupees 5,00,000.	1,000 0 0
7. Certificate of administration granted under Act No. XL of 1858 (*for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal*).	If the amount or value of the property in respect to which such certificate is granted does not exceed Rupees 500.	5 0 0
	If such amount or value exceeds Rupees 500 but not Rupees 1,000.	10 0 0
	And for every Rupees 1,000 or part thereof in excess of Rupees 1,000.	5 0 0
8. Certificate of administration granted under Act No. XXVII of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*).	If the amount of debts or value of the property in respect of which such certificate or letters is or are granted does not exceed Rupees 500.	5 0 0
	If such amount or value exceeds Rupees 500, but does not exceed Rupees 1,000.	15 0 0
	For every Rupees 1,000 or part thereof in excess of Rupees 1,000 up to Rupees 2,000.	30 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 20,000 up to Rupees 40,000.	75 0 0
	For every Rupees 5,000 or part thereof in excess of Rupees 40,000 up to Rupees 1,00,000.	150 0 0
9. Letters of administration granted under the Indian Succession Act, 1865.	For every Rupees 10,000 or part thereof in excess of Rupees 1,00,000 up to Rupees 2,00,000.	225 0 0
	For every Rupees 50,000 or part thereof in excess of Rupees 2,00,000 up to Rupees 5,00,000.	750 0 0
	For every Rupees 1,00,000 or part thereof in excess of Rupees 5,00,000.	1,500 0 0
	NOTE.—The person to whom any such certificate or letters is or are granted, or his representative shall, after the expiration of twelve months from the date of such certificate or letters and thereafter whenever the Court which granted such certificate or letters shall require him so to do, file a statement on oath of all monies recovered or realised by him under such certificate or letters, and if the monies so recovered or realised shall exceed the amount of debts or other property as sworn to by the person to whom the certificate or letters is or are granted, the Court may cancel the same, and order such person to take out a fresh certificate or letters, as the case may be, and pay the fee prescribed by this schedule for such excess. In default of filing such statement within the time allowed, the Court may cancel the certificate or letters, as the case may be.	

Table of rates of ad valorem fees leviable on the institution of suits.

When the amount or value of the subject-matter exceeds	But does not exceed	Rs. As. P.
Rs.	Rs.	
.....	5	0 6 0
5	10	0 12 0
10	15	1 2 0
15	20	1 8 0
20	25	1 14 0
25	30	2 4 0
30	35	2 10 0
35	40	3 0 0
40	45	3 6 0
45	50	3 12 0
50	55	4 2 0
55	60	4 8 0
60	65	4 14 0
65	70	5 4 0
70	75	5 10 0
75	80	6 0 0
80	85	6 6 0
85	90	6 12 0
90	95	7 2 0
95	100	7 8 0
100	110	8 4 0
110	120	9 0 0
120	130	9 12 0
130	140	10 8 0
140	150	11 4 0
150	160	12 0 0
160	170	12 12 0
170	180	13 8 0
180	190	14 4 0
190	200	15 0 0
200	210	15 12 0
210	220	16 8 0
220	230	17 4 0
230	240	18 0 0
240	250	18 12 0
250	260	19 8 0
260	270	20 4 0
270	280	21 0 0
280	290	21 12 0
290	300	22 8 0
300	310	23 4 0
310	320	24 0 0
320	330	24 12 0
330	340	25 8 0
340	350	26 4 0
350	360	27 0 0
360	370	27 12 0
370	380	28 8 0
380	390	29 4 0
390	400	30 0 0
400	410	30 12 0
410	420	31 8 0
420	430	32 4 0
430	440	33 0 0
440	450	33 12 0
450	460	34 8 0
460	470	35 4 0
470	480	36 0 0
480	490	36 12 0
490	500	37 8 0
500	510	38 4 0

Table of rates of ad valorem fees, &c.,—Continued.

When the amount or value of the subject-matter exceeds	But does not exceed	Rs. As. P.
Rs.	Rs.	
510	520	39 0 0
520	530	39 12 0
530	540	40 8 0
540	550	41 4 0
550	560	42 0 0
560	570	42 12 0
570	580	43 8 0
580	590	44 4 0
590	600	45 0 0
600	610	45 12 0
610	620	46 8 0
620	630	47 4 0
630	640	48 0 0
640	650	48 12 0
650	660	49 8 0
660	670	50 4 0
670	680	51 0 0
680	690	51 12 0
690	700	52 8 0
700	710	53 4 0
710	720	54 0 0
720	730	54 12 0
730	740	55 8 0
740	750	56 4 0
750	760	57 0 0
760	770	57 12 0
770	780	58 8 0
780	790	59 4 0
790	800	60 0 0
800	810	60 12 0
810	820	61 8 0
820	830	62 4 0
830	840	63 0 0
840	850	63 12 0
850	860	64 8 0
860	870	65 4 0
870	880	66 0 0
880	890	66 12 0
890	900	67 8 0
900	910	68 4 0
910	920	69 0 0
920	930	69 12 0
930	940	70 8 0
940	950	71 4 0
950	960	72 0 0
960	970	72 12 0
970	980	73 8 0
980	990	74 4 0
990	1,000	75 0 0
1,000	1,100	80 0 0
1,100	1,200	85 0 0
1,200	1,300	90 0 0
1,300	1,400	95 0 0
1,400	1,500	100 0 0
1,500	1,600	105 0 0
1,600	1,700	110 0 0
1,700	1,800	115 0 0
1,800	1,900	120 0 0
1,900	2,000	125 0 0
2,000	2,100	130 0 0
2,100	2,200	135 0 0
2,200	2,300	140 0 0

Table of rates of ad valorem fees, &c.,—Continued.

When the amount or value of the subject-matter exceeds	But does not exceed			
Rs.	Rs.			
2,300	2,400	145	0	0
2,400	2,500	150	0	0
2,500	2,600	155	0	0
2,600	2,700	160	0	0
2,700	2,800	165	0	0
2,800	2,900	170	0	0
2,900	3,000	175	0	0
3,000	3,100	180	0	0
3,100	3,200	185	0	0
3,200	3,330	190	0	0
3,300	3,400	195	0	0
3,400	3,500	200	0	0
3,500	3,600	205	0	0
3,600	3,700	210	0	0
3,700	3,800	215	0	0
3,800	3,900	220	0	0
3,900	4,000	225	0	0
4,000	4,100	230	0	0
4,100	4,200	235	0	0
4,200	4,300	240	0	0
4,300	4,400	245	0	0
4,400	4,500	250	0	0
4,500	4,600	255	0	0
4,600	4,700	260	0	0
4,700	4,800	265	0	0
4,800	4,900	270	0	0
4,900	5,000	275	0	0
5,000	5,250	285	0	0
5,250	5,500	295	0	0
5,500	5,750	305	0	0
5,750	6,000	315	0	0
6,000	6,250	325	0	0
6,250	6,500	335	0	0
6,500	6,750	345	0	0
6,750	7,000	355	0	0
7,000	7,250	365	0	0
7,250	7,500	375	0	0
7,500	7,750	385	0	0
7,750	8,000	395	0	0
8,000	8,250	405	0	0
8,250	8,500	415	0	0
8,500	8,750	425	0	0
8,750	9,000	435	0	0
9,000	9,250	445	0	0
9,250	9,500	455	0	0
9,500	9,750	465	0	0
9,750	10,000	475	0	0
10,000	10,500	490	0	0
10,500	11,000	505	0	0
11,000	11,500	520	0	0

Table of rates of ad valorem fees, &c.,—Concluded.

When the amount or value of the subject-matter exceeds.	But does not exceed			
Rs.	Rs.	Rs.	As.	P.
11,500	12,000	535	0	0
12,000	12,500	550	0	0
12,500	13,000	565	0	0
13,000	13,500	580	0	0
13,500	14,000	595	0	0
14,000	14,500	610	0	0
14,500	15,000	625	0	0
15,000	15,500	640	0	0
15,500	16,000	655	0	0
16,000	16,500	670	0	0
16,500	17,000	685	0	0
17,000	17,500	700	0	0
17,500	18,000	715	0	0
18,000	18,500	730	0	0
18,500	19,000	745	0	0
19,000	19,500	760	0	0
19,500	20,000	775	0	0
20,000	21,000	795	0	0
21,000	22,000	815	0	0
22,000	23,000	835	0	0
23,000	24,000	855	0	0
24,000	25,000	875	0	0
25,000	26,000	895	0	0
26,000	27,000	915	0	0
27,000	28,000	935	0	0
28,000	29,000	955	0	0
29,000	30,000	975	0	0
30,000	32,000	995	0	0
32,000	34,000	1,015	0	0
34,000	36,000	1,035	0	0
36,000	38,000	1,055	0	0
38,000	40,000	1,075	0	0
40,000	42,000	1,095	0	0
42,000	44,000	1,115	0	0
44,000	46,000	1,135	0	0
46,000	48,000	1,155	0	0
48,000	50,000	1,175	0	0
50,000	55,000	1,200	0	0
55,000	60,000	1,225	0	0
60,000	65,000	1,250	0	0
65,000	70,000	1,275	0	0
70,000	75,000	1,300	0	0
75,000	80,000	1,325	0	0
80,000	85,000	1,350	0	0
85,000	90,000	1,375	0	0
90,000	95,000	1,400	0	0
95,000	1,00,000	1,425	0	0
1,00,000	2,00,000	1,925	0	0
2,00,000	3,00,000	2,425	0	0
3,00,000	4,00,000	2,925	0	0

SCHEDULE II.

Fixed Fees.

		Proper Fee.
1. Application or petition..	*(a.)* When presented to any officer of the Customs or Excise Department or any other executive officer by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealing;	One anna.
	or when presented to any officer of Land Revenue by any person holding temporarily-settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such land;	
	or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the petition relates solely to such conservancy or improvement;	
	or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Cantonment Magistrate sitting as a Court of Civil Judicature under Act No. III of 1859, or to any Court of Small Causes constituted under Act No. XI of 1865, or Act No. XVI of 1868, section 20, or to a Collector or other officer of revenue in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees;	
	or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or Office.	
	(b.) When first presented to any Civil or Revenue Court for service or execution of process.	Twelve annas.
	Whenever presented to such Court after the expiration of the time fixed under section twenty-four of this Act for such service or execution.	Eight annas.
	(c.) When containing a complaint or charge of any offence other than an offence for which Police officers may, under the Criminal Procedure Code, arrest without warrant, and presented to any Criminal Court;	Eight annas.
	or when relating to any matter not otherwise provided for by this Act, and presented to a Civil, Criminal or Revenue Court, or to a Collector, or any revenue officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity.	
	(d.) When presented to a Chief Commissioner or other chief controlling revenue or executive authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a Division or Department.	One rupee.

SCHEDULE II.—*(Continued.)*

		Proper Fee.
2. Plaint in suit under sections 5, 6, 11, 14 or 25 of the Punjáb Tenancy Act, 1868 ...	.. ..	Eight annas.
3. Bail-bond or other instrument of obligation not otherwise provided for by this Act, when given by the direction of any court or executive authority ...	... ...	Eight annas.
4. Petition of appeal under the Indian Income Tax Act, section 21 ...	... ...	One rupee.
5. Mukhtárnáma or Wakálatnáma.	When presented for the conduct of any one case—	
	(*a.*) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer, except such as are mentioned in clauses (*b*) and (*c*) ...	Eight annas.
	(*b.*) to a Commissioner of Revenue, Circuit or Customs, or to any officer charged with the executive administration of a division, not being the chief revenue or executive authority ...	One rupee.
	(*c.*) to a High Court, Chief Commissioner, Board of Revenue or other chief controlling revenue or executive authority ...	Two rupees.
6. Petition of appeal not provided for by the first paragraph of Schedule I to this Act annexed ...	When the appeal is not from an order rejecting a plaint or from a decree or an order having the force of a decree, and is presented—	
	(*a.*) to any Civil Court other than a High Court, or to any Revenue Court or executive officer other than the High Court or chief controlling revenue or executive authority	Eight annas.
	(*b.*) to a High Court or Chief Commissioner or other chief controlling executive or revenue authority ..	Two rupees.
7. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866 ...		
8. Plaint in a suit to obtain possession of a wife ...	.. ..	Five rupees.
9. Any petition mentioned in section 47 of the Indian Divorce Act ...		
10. Administration-bond executed pursuant to the Indian Succession Act, 1865...	... .	Eight rupees.
11. Plaint in suit where it is not possible to estimate at a money-value the subject-matter, and which is not otherwise provided for by this Act	... .	Ten rupees.
12. Petition of plaint or appeal under the Pársi Marriage and Divorce Act, 1865 ...	... ...	Thirty-two rupees.

SCHEDULE III.

ENACTMENTS REPEALED.

Number and year of Enactment.	Title of Enactment.	Extent of repeal.
Act No. X of 1859 ...	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William.	So much of section 156 as relates to the stamp to be borne by a petition of appeal.
Act No. X of 1862 ...	An Act to consolidate and amend the law relating to stamp-duties.	So much as has not been repealed.
Act No. XX of 1862 ...	An Act to provide for the levy of fees and Stamp-duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court.	Section 2.
Act No. XI of 1863 ...	An Act to consolidate and amend the law relating to the employment and remuneration of Peons for the service and execution of Civil Process.	Sections 7, 8 and 10.
Act No. X of 1865 ...	The Indian Succession Act, 1865 ...	Section 329 and the Schedule.
Act No. XV of 1865 ...	The Pársí Marriage and Divorce Act, 1865 ..	Section 39.
Act No. XVIII of 1865 ...	An Act to amend Act No. X of 1862 (to consolidate and amend the law relating to Stamp duties.)	The whole Act.
Act No. XXI of 1866 ..	The Native Converts' Marriage Dissolution Act, 1866.	In section 7, the words ' shall bear a stamp of two rupees and'
Act No. XXVI of 1867 ...	An Act to amend the law relating to Stamp duties.	The whole Act.
Act No. XV of 1868 ...	The High Court Fees Act, 1868 ..	The whole Act.
Act No. XXVIII of 1868 ...	The Panjáb Tenancy Act, 1868 ...	Section 43.
Act No. IV of 1869 ...	The Indian Divorce Act ...	In section 17, the words ' shall bear a stamp of four rupees and'
Act No. IX of 1869 ..	The Indian Income-tax Act ...	In section 21, the words 'shall bear a stamp of one rupee and'
Bengal Act No. V of 1863 ..	An Act to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts.	Sections 7, 9 and 10.
Madras Regulation III of 1802.	A Regulation for receiving, trying and deciding suits on complaints declared cognizable in the Courts of Adawlut established in the several zillahs immediaiately subject to the Presidency of Fort St. George.	Section 21 from 'when' down to 'writing' (both inclusive).

STATEMENT OF OBJECTS AND REASONS.

The rates of Stamp fees leviable in Courts and offices established beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, and in proceedings on the appellate side of such High Courts, were, as fixed by Act XXVI of 1867, to a great extent tentative.

The experience gained of their working during the two years in which they have been in force, seems to be conclusive as to their repressive effect on the general litigation of the country.

It is, therefore, thought expedient to make a general reduction in the rates now chargeable on the institution of civil suits, and to revert to the principle of a maximum fee which obtained under the former law.

It is proposed also to reduce the valuation fixed by the existing law for the computation of the fee leviable on suits relating to land under temporary settlement or land exempt from the payment of revenue to the Government which is believed to be, at least relatively, excessive, as compared with the valuation of permanently-settled land; and to provide for the valuation of suits relating to mere parcels of land, which, though forming part of estates under settlement, bear no specific allotment of any portion of the assessment of Government revenue on such estates, at the estimated selling price of such land, as was the rule in those cases under Act X of 1862.

The want of some fixed valuation applicable to certain classes of suits—as for example, suits instituted between landlord and tenant to recover a right of occupancy or enforce ejectment, or suits for maintenance or for an annuity,—the subject-matter of which, though not absolutely indeterminable, is certainly not susceptible of ready determination, has given rise to much uncertainty and variety in the procedure adopted by the several Courts in such cases; and the amendment of the existing law in this respect is felt to be urgently called for.

In deference to the strong objections entertained by the local authorities in certain Provinces to the retention of the fee imposed on the presentation of certain petitions in the Criminal Courts, it is proposed to reduce the amount of such fee from one rupee to eight annas.

The uniform exaction of a fee of eight annas in the case of all petitions addressed to a Revenue Officer or a Magistrate, works harshly in its application to such communications when presented by persons having dealings or transactions with the Government in relation to such transactions. Equitable considerations require that petitions of this kind should be excepted from the operation of the general rule, and the Bill makes suitable provision for such cases.

The *ad valorem* fee now chargeable on summary suits instituted under Act XVI of 1838 and the Bombay Act (V of 1864) is represented as working unsatisfactorily, and the substitution of a fixed rate is recommended.

It is to be observed that an award in such cases is liable to be set aside by a judgment passed in regard to the same matter in a regular suit, hence it appears more equitable to treat these summary suits as miscellaneous applications and to subject them to a similar fixed institution-fee.

As the Bill provides for a considerable reduction of the fees heretofore chargeable on Civil suits of small amount, it seems unnecessary to maintain the present distinction between the Courts of Cantonment Joint-Magistrates and other Civil Courts in respect of the amount of fee leviable on the institution of such suits.

It is proposed also to exempt suits instituted in a Military Court of Requests from the payment of any fee. The constitution of such Courts is peculiar; they form no part of the regular machinery employed in the general administration of justice; the present measure therefore is inapplicable to them. Moreover, the suitor in such Courts is placed at this disadvantage as compared with suitors in the ordinary Civil Courts that, although he may gain his case, he is unable to recover the costs which he has incurred in prosecuting his claim: hence the incidence of the taxation imposed by the levy of an institution-fee in such cases is inequitable.

Suits for the restitution of wives, which are of common occurrence in the Panjáb, are held to be somewhat excessively taxed under the present law, which prescribes that in suits the money value of the subject-matter of which cannot be estimated, a fixed fee of Rs. 10 shall be levied; the Bill substitutes for that rate in such cases a special fee of Rs. 5.

The clause in Act XXVI of 1867, exempting Advocates of a High Court from the obligation of presenting to any Court a written authority empowering them to act in any case pending in such Court, is excluded from the Bill. Such a provision appears to be beyond the scope of an enactment for regulating the levy of Court fees. It is, moreover, open to the objection that it conflicts with Section 18 of the Civil Procedure Code, and consequently creates some doubt as to the intention of the Legislature.

As some measure of compensation for the loss of revenue which is expected to result from the general reduction of fees, it is proposed to discontinue the refund of any portion of the amount levied on the first institution of suits, and also to raise the fees heretofore chargeable on probates and letters of administration granted under the Indian Succession Act, and on certificates issued under Act XXVII of 1860, to the *ad valorem* rates leviable under the English law in like cases.

The abolition of refunds is justified by the consideration that for all practical purposes in the majority of cases, the plaintiff, whose suit has not gone beyond the stage at which under the present law he is entitled to recover a moiety of the institution-fee, has gained as much through the Court's agency as the suitor whose case has proceeded to a decision, and that therefore, on the principle on which all Court fees are adjusted, the former should contribute in equal proportion with the latter to the maintenance of the Courts from whose action both derive an equal benefit.

In lieu of the existing rates of process-fees, which vary according to the distance of the Court by which the processes are issued from the place where they are to be served or executed, it is proposed to levy, by means of stamps, an uniform rate in all cases. All suitors will thus be required to contribute in equal proportion to the maintenance of the establishment employed in the serving of processes, without reference to the length of time occupied in each service and the

consequent amount of work rendered on behalf of each person at whose instance any process is served or executed.

Such a provision is in accordance with the modern system under which the charges in the Postal and Electric Telegraph Departments are regulated, and is also more equitable to the general community.

The incorporation of the High Court Fees Act (XV. of 1868) with, and the transfer of so much of the provisions of the Pársí Marriage and Divorce Act, 1865, the Native Converts' Marriage Dissolution Act, 1866, the Panjáb Tenancy Act, 1868, the Indian Divorce Act, and the Indian Income Tax Act, as relate to the levy of stamp fees in judicial proceedings to the present Bill, appear to be conducive to public convenience, as the whole of the existing law relative to fees leviable in all Courts of Justice will thus be contained in one enactment.

With the same object this Bill purports to effect a complete re-arrangement of the provisions of the existing law on this subject, a similar classification of instruments chargeable with Court fees to that which obtains in the General Stamp Act having been adopted, and the rules for determining the value of the subject-matter of certain suits being transferred from the Schedule where they are to be found in Act XXVI. of 1867, to the body of the proposed Act.

Lastly, that for the future there may be no confusion between stamp-revenue proper and the revenue derived from what have heretofore been termed 'judicial stamps,' the proceeds of the proposed enactment are to be designated Court fees, and the Bill is entitled accordingly.

F. R. COCKERELL.

SIMLA,
The 28th September 1869.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl. for making Laws and Regulations.

THE following Bill and Statement of Objects and Reasons are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purpose of making Laws and Regulations:—

No. 17 OF 1869.

A Bill to enhance the duties leviable under the Indian Income Tax Act.

Commencement and continuance of Act.

1. This Act shall come into operation on the first day of December 1869, and shall continue in force until the 31st day of March 1870.

Enhancement of duty on salaries.

2. Section six of the Indian Income Tax Act shall, in respect of salaries, pensions and annuities payable on or after the first day of December 1869, be construed as if for the words "one per centum" the words "two and a half per centum" were substituted.

Proviso as to duty on aggregate amount of salaries for the half year commencing 1st October 1869.

3. Nothing in the last preceding section shall authorise the deduction of duty exceeding two per centum on the aggregate amount of any salaries, annuities or pensions chargeable under Part II of the said Act for the six months commencing on the first day of October 1869.

Enhancement of duty paid by Companies.

4. In addition to the sum of one per centum payable or paid under section ten of the said Act, the Treasurer, Secretary or principal Agent or Manager in India of every Company therein referred to shall on the first day of December 1869 pay to Government one half per centum on the moiety or the whole (as the case may be) of the nett profits of such Company chargeable under the same section.

Every such payment shall be deemed to be a payment required by the said section ten.

Enhancement of duty on income.

5. In addition to the duty leviable or levied on income and profits under Part IV of the said Act, there shall be levied one moiety of the duty imposed by the said Part on such income or profits, and such moiety shall be payable on the first day of December 1869 and shall be deemed to be duty leviable under the said Part IV.

Service of supplementary notice.

6. When a notice has been already served under section sixteen of the said Act on a person chargeable with additional duty under the last preceding section, a supplementary notice shall be served upon him; and the provisions as to notices and receipts contained in the said Act shall, *mutatis mutandis*, apply respectively to such supplementary notices and to receipts granted for payments in pursuance thereof.

Bar of petitions in respect of additional duty.

7. No person shall be entitled, in respect only of the additional duty with which he is assessed under this Act, to apply by petition under section nineteen of the Indian Income Tax Act.

This Act to be read with Act IX of 1868.

8. This Act shall be read with and taken as part of the Indian Income Tax Act.

STATEMENT OF OBJECTS AND REASONS.

THE revision which has lately been made of the Estimates for the current year 1869-70, shows that the financial position of the Government of India is less favourable than was anticipated when the Budget Estimate was framed in March last; and it is clear that, unless remedial measures are at once adopted, the year will close with a serious deficit.

The reasons which have led the Government of India to this conclusion, have been given in detail in the Despatch to the Secretary of State, No. 240, dated the 20th September 1869, which is now before the public; and the Government has declared its determination to take immediate measures for placing the finances of the Empire on a thoroughly sound basis.

With the consent of the Governments of Madras and Bombay, an increase has been ordered in the duties levied on salt in those Presidencies; and it is now proposed to make an increase for

the remainder of the year in the rate at which the Income Tax is levied under Act IX of 1869.

The present Bill proposes to increase the rate of Income Tax, for the second six months of the current financial year, from one to two per cent. The payment for the whole year will, therefore, be at the rate of one and a half instead of one per cent.

The alteration in the law can hardly come into full effect before the 1st December next. In the case of salaries, annuities, and pensions assessable under Part II of the Indian Income Tax Act, it is therefore proposed that the additional amount of duty shall be obtained by declaring that such salaries, annuities, or pensions becoming payable after the 30th November 1869, shall be subject, during the last four months of the current year, to a deduction of two and a half per cent. The total payment for the year will thus be raised to one and a half per cent.

Companies assessable under Part III of the Act will be called on to pay, on the 1st December 1869, an additional sum equal to one half of the duty already assessed or assessable.

In the case of all other incomes assessable under Part IV of the Act, the additional duty will be equal to one half the amount assessed or assessable under Schedule A of the Act. No further alterations in the existing system of taxation are contemplated by the Government during the present financial year.

The provisions of the present Bill will only have effect up to the end of the current financial year, when the financial position of the Government will necessarily be again brought under consideration.

The measures which have now been announced by the Government are designed solely to meet, as far as may be practicable, the deficit which we must anticipate for the present year.

Having thus stated the objects and reasons of this Bill,—which, although of a temporary character indicates, nevertheless, the determination of the Government to place the finances in a condition which shall preclude the probability of future deficits and the necessity for incurring debt to meet the ordinary charges of the year,—it is proper to notice the fact that much greater efforts must have been made, and more serious burdens must have been imposed on the public, but for the resolute determination of the Government to enforce economy in all departments of the administration.

In the Public Works Department, orders have already been issued, and are now before the public, the object of which is to reduce expenditure, during the remainder of the current year, to the extent of nearly £800,000.

In the Civil Departments, measures of economy are under consideration, and it is hoped that important reductions of expenditure will be found practicable, without any interference with the discharge of those great duties which we owe to the people of India.

In the Military Department, propositions for largely reducing the present expenditure have been submitted to Her Majesty's Government. It will be evident that questions affecting the organisation of the Army cannot be dealt with by the Government of India alone. It is confidently believed that it will be possible to effect a large reduction of Military expenditure without diminishing the actual numbers of the British Army in India, or in any way impairing our real military strength.

JOHN STRACHEY.

SIMLA,
The 2nd October 1869.

WHITLEY STOKES,
Secy. to the Council of the Govr.-Genl. for making Laws and Regulations.

Government of Bengal.

LEGISLATIVE DEPARTMENT.

The following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 21st August 1869, and having been assented to by His Excellency the Governor General on the 15th October 1869, is hereby promulgated for general information :—

ACT No. VIII OF 1869.

An Act to amend the Procedure in Suits between Landlords and Tenants.

Preamble.

WHEREAS it is expedient to amend the procedure in suits between Landlords and Tenants in the Provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows :—

Interpretation of "Collector."

I. In the construction of this Act the word "Collector" shall include a Deputy Collector in charge of a Sub-division or other officer exercising the powers of a Collector of a District or of a Deputy Collector in charge of a Sub-division, by whatever designation such officer may be called.

Ryots entitled to a pottah.

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars :—

The quantity and boundaries of the land; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered and the time and manner of delivery.

Ryots holding land at fixed rates to receive pottahs.

III. Ryots who, in any Province to which this Act may apply, hold lands at fixed rates of rent, which shall not have been changed from the time of the Permanent Settlement of such Province, are entitled to receive pottahs at those rates.

Presumption if rent of land be not changed for 20 years.

IV. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a ryot in any such Province has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the Permanent Settlement, unless the contrary

be shewn, or unless it be proved that such rent was fixed at some later period.

Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.

V. Ryots having rights of occupancy, but not holding at fixed rates as described in the two preceding Sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shewn in a suit by either party under the provisions of this Act.

Right of occupancy of ryot cultivating or holding land for 12 years.

VI. Every ryot who shall have cultivated or held land for a period of twelve years shall have a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to Khomar, Neejjote, or Seer land belonging to the proprietor of the estate or tenure and let by him on lease for a term, or year by year, nor (as respects the actual cultivator) to lands sub-let for a term, or year by year, by a ryot having a right of occupancy. The holding of the father or other person from whom a ryot inherits shall be deemed to be the holding of the ryot within the meaning of this Section.

Saving of terms of written contracts.

VII. Nothing in the last preceding Section shall be held to affect the terms of any written contract for the cultivation of land entered into between a land-holder and a ryot, when it contains any express stipulation contrary thereto.

Pottahs to which ryots not having rights of occupancy are entitled.

VIII. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

If on trial of suit for delivery of pottah, parties do not agree as to the time for which the pottah is granted, Court to fix the time.

IX. If on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy, the parties do not agree as to the term for which the pottah is to be granted, the Court shall fix such term as under the circumstances of the case may seem just and proper: provided that the term shall not in any case be longer than ten years, and, in estates not permanently settled, shall not extend beyond the period for which the proprietor of the estate has engaged with Government: provided also that if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

Proviso.

Person granting pottah entitled to a counterpart engagement.

X. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted, a kubooliyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah, such as the ryot is entitled to receive, shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot.

Damages for exactions in excess of rent or for receipt withheld. Form of receipt.

XI. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator, from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent, damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

XII. All power at any time heretofore vested in zemindars and other land-holders, of compelling the attendance of their tenants for the adjustment of their rents, or for any other purpose, is withdrawn; and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them, other than by suit or distress or otherwise under the provisions of this Act.

Payment of rent to be enforced under this Act.

Damages for extorting payment of rent by duress.

XIII. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred Rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

Enhancement of rent of ryot holding without, or after expiry, &c., of written engagements.

XIV. No under-tenant or ryot, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengalee year prevails, in or before the month of Poos, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector in whose jurisdiction the lands are situate, on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally upon the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence; or, if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mal

Cutcherry of such land or other conspicuous place thereon, or at the village Chowree or Chowpal, or at some other conspicuous place in the village in which the land is situate.

Mode of contesting enhancement of rent.

XV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enchanced rent.

Dependent talookdar, &c., holding land at fixed rent without change since Permanent Settlement, not liable to enhancement of rent.

XVI. No dependent talookdar, or other person possessing a permanent transferable interest in land intermediate between the proprietor of an estate and the ryot, who, in any province to which the provisions of this Act may apply, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the Permanent Settlement, shall be liable to any enhancement of such rent, anything in Section LI, Regulation VIII of 1793, or in any other law, to the contrary notwithstanding.

Rent of talookdar, &c., not changed for twenty years, to be *primâ facie* evidence of occupancy at that rent since the Permanent Settlement.

XVII. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the Permanent Settlement, unless the contrary be shewn, or it be proved that such rent was fixed at some later period.

Grounds on which ryot having right of occupancy is liable to enhanced rent.

XVIII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him, except on some one of the following grounds, namely :—

That the rate paid by him is below that prevailing in adjacent places.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of land, &c., has increased independently of the ryot.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the quantity of land held by the ryot is greater than he has paid rent for.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

When ryot may claim abatement of rent.

XIX. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

Relinquishment of land by ryot after notice given.

XX. Any ryot, who desires to relinquish the land held or cultivated by him, shall be at liberty to do so, provided he gives notice of his intention, in writing, to the person entitled to the rent of the land, or his authorized agent, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengalee year prevails, in or before the month of Poos, of the year preceding that in which the relinquishment is to have effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land, or his agent, refuse to receive any such notice, and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector, in whose jurisdiction the lands are situate, who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIV.

What to be deemed an arrear of rent under this Act.

XXI. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act, and, unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

Liability of ryot to be ejected for arrear due.

XXII. When an arrear of rent remains due from any ryot at the end of the Bengal year, or at the end of the month of Jeyt of the Fuslee or Willayutee year, as the case may be, such ryot shall be liable to be ejected from the land in respect of which the arrear is due: provided that no ryot having a right of occupancy, or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

XXIII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected, provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

Proviso.

Suits by or against Surburakars or Tehseeldars of estates held khas.

XXIV. All suits which under the provisions of this Act may be brought by or against zemindars or other persons in the receipt of the rent of land, may be brought by or against Surburakars or Tehseeldars of estates held under khas management, whether such estates are the property of Government or of individuals.

Proprietor's right to survey and measure his estate.

XXV. Every proprietor of an estate or tenure, or other person in receipt of the rents of an estate or tenure, has the right of making a general survey and measurement of the lands comprised in such estate or tenure, or any

part thereof, unless restrained from doing so by express engagement with the occupants of the lands.

Registry of transfers of talookdars, &c.

XXVI. All dependent talookdars and other persons possessing a permanent transferable interest in land intermediate between the zemindar and the cultivator, are required to register, in the Sheristah of the zemindar or superior tenant to whom the rents of their talooks or tenures are payable, all transfers of such talooks or tenures, or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance. And every zemindar or superior tenant is required to admit to registry and otherwise give effect to all such transfers when made in good faith, and all such successions and divisions. Provided that no zemindar or superior tenant shall be required to admit to registry, or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent in writing of the zemindar or superior tenant.

Limitation of certain suits.

XXVII. All suits instituted for the recovery of damages an account of the illegal exaction of rent, or of any unauthorized cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress, or on account of the excessive demand of rent, and all suits for abatement of rent, and all suits to eject any ryot or to cancel any lease on account of the non-payment of arrears of rent or of the breach of the conditions of any contract by which a ryot may be liable to be ejected, or a lease may be liable to be cancelled, and all suits to recover the occupancy of any land, farm, or tenure from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same, and all suits arising out of the exercise of the power of distraint for arrears of rent conferred on zemindars and others, by this or any other Act or out of any acts done under color of the exercise of the said power shall be commenced within the period of one year from the date of the accruing of the cause of action and not afterwards.

Limitation of suits for grant of pottahs, &c.

XXVIII. Suits for the delivery of pottahs or kubooliyets, and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy.

Limitation of suits for arrears of rent.

XXIX. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeyt of the Fuslee or Willayutee year, in which the arrear claimed shall have become due: Provided that if the suit be for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under Section XIII of Act X of 1859, or under Section XIV of this Act; and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year, or of the month of Jeyt of the Fuslee or Willayutee year, on account of which such enhanced rent is claimed.

Limitation of suits against agents for money, papers, or accounts.

XXX. Suits for the recovery of money in the hands of an agent, or for the delivery of accounts or papers by an agent, may be brought at any time during the agency or within one year after the determination of the agency of such agent: Provided that if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case be brought at any time exceeding three years from the termination of the agency.

Suit for further balance to be instituted within six months of service of notice of deposit.

XXXI. Whenever a deposit on account of rent shall have been made under the provisions of this Act, or of Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, no suit shall be brought against the person making the deposit, or his representatives, on account of any rent which accrued due prior to the date of the deposit, unless such suit be instituted within six months from the date of the service of the notice in Section V of the said Act VI of 1862, or in Section XLVII of this Act mentioned.

Naibs or Gomastahs to be deemed in certain cases authorized agents under Act VIII. of 1859.

XXXII. Every Naib or Gomastah thereto specially authorized by any writing under the hand of his employer shall, for the purposes of all suits for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, be deemed to be the recognised Agent of such employer within the meaning of Section XIII of the said Act VIII of 1859, though such employer may be within the jurisdiction of the Court in which such Naib or Gomastah may appear or make any application.

Cognizance of suits under this Act.

XXXIII. From and after the time when this Act shall commence and take effect in any place, the jurisdiction, save as regards any suits or proceedings then pending, of the Collectorate Courts in such place, under Act X of 1859 of the Governor-General in Council, and Act VI of 1862 of the Council of the Lieutenant-Governor of Bengal, to entertain suits, shall cease: and all suits brought for any cause of action arising under either of those Acts or this Act shall, from such time and in such place, be cognizable by the Civil Courts according to their several jurisdictions.

Proceedings to be regulated under Code of Civil Procedure.

XXXIV. Save as in this Act is otherwise provided, suits of every description brought for any cause of action arising under this Act, and all proceedings therein, shall be regulated by the Code of Civil Procedure passed by the Governor-General in Council, being Act No. VIII. of 1859, and by such further and other enactments of the Governor-General in Council in relation to Civil Procedure as now are or from time to time may be in force; and all the provisions of the said Act and of such other enactments shall apply to such suits.

Jurisdiction in certain suits.

XXXV. The cause of action in suits brought for the delivery of any pottah or kubooliyet, or for the cancelment of any lease, for the determination of rates of rent, for illegal exactions of rent, cess, or impost, for refusal of receipts for rent paid, for extortion of rent, for excessive demand of rent, for abatement of rent, for arrears of rent, and for refusing to register transfers, successions, or divisions under Section XXVI, shall be deemed to have arisen within the jurisdiction of the Court which would have had jurisdiction to entertain a suit for the recovery of the land or other immoveable property in relation to which the cause of action arose, and shall be brought in such Court and in no other Court.

Provision when cause of action arises in different jurisdictions.

XXXVI. If the land which by the provisions of the next preceding Section determines the place in which the cause of action in the suits in the said Section mentioned shall be deemed to have arisen, be situate within the jurisdiction of different Courts, the provisions of Sections XI and XII of the said Act VIII of 1859, shall apply to such suits, as if the same had been suits for the recovery of such land.

Proceedings in case of opposition made to the measurement of land.

XXXVII. If any person, intending to measure any land which he has a right to measure, is opposed in making such measurement by the occupant of the land; or if any under-tenant or ryot, having received notice of the intended measurement, of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, the person claiming the right to measure such land may apply to establish his right to measure such land, in the Court which would have had jurisdiction in case such suit had been brought for the recovery of such land, and such Court shall hear and determine the right to make such measurement, and, if the case shall so require, shall make an order enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot, after the issue of an order enjoining his attendance, neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made, or any of the proceedings held, in his absence.

Measurement of land when it cannot be ascertained who are the persons liable to pay rent.

XXXVIII. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure, or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands, or any part of the lands comprised therein, such proprietor or other person may apply to the Court which would have had jurisdiction in case a suit had been brought for the recovery of such lands, and such Court thereupon, and on the necessary costs being deposited therein by the applicant, shall order such lands to be measured, and shall cause a copy of such order to be transmitted to the Collector in whose jurisdiction the lands are situate, together with the sum so deposited for costs, and the Collector shall thereupon proceed to measure such lands, and shall ascertain and record the names of the persons in occupation of the same, or, on the special application of the proprietor or other person aforesaid, but not otherwise, shall proceed to ascertain, determine, and record the tenures and under-tenures, the rates of rent payable in respect of such lands, and the persons by whom respectively the rents are payable. If after due enquiry the Collector shall be unable to cause such lands to be measured, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under-tenures in such lands, or any part thereof, then and in any such case such Collector may declare the same to have lapsed to the party on whose application such enquiry may have been made. If any person, within fifteen days after such Collector shall have recorded the name of such person as being in occupation of such land, or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and satisfy such Collector that there has been a failure of justice, such Collector may, upon such terms or conditions as may seem fit, alter or rescind such order according to the justice of the case.

Proceedings on completion of such measurement.

XXXIX. The Collector shall, as soon as conveniently may be after he shall have finally completed any such measurement and record, return a copy thereof to the Court by which such measurement had been ordered, and such Court shall receive and record the same; and every decision of the Collector made in pursuance of the provisions of Section XXXVIII shall be appealable as if the same had been an order of the Court into which such copy had been returned, made upon the day on which such copy was so returned; but save as aforesaid, every decision of such Collector made in pursuance of the provisions of Section XXXVIII shall be final.

Collector's powers.

XL. The provisions of the said Act VIII of 1859 and the Acts amending the same, or of any other Act or Acts for the time being in force in Civil Courts in Bengal, relating to the evidence of witnesses, to procuring the attendance of witnesses and the production of documents, and to the examination, remuneration, and punishment of witnesses, shall apply to all proceedings before any Collector under Section XXXVIII; and for the purposes aforesaid, the Collector shall have all the powers and authorities in and by such Acts or any of them conferred upon the Court.

Measurement to be made by the Pergunnah Pole.

XLI. All measurements made under this Act shall be made according to the standard pole of measurement of the Pergunnah in which the land is situated.

Register of suits.

XLII. All suits brought under any of the provisions of this Act shall be entered in a special register of the Court kept for that purpose.

Form of plaint in suits for arrears of rent.

XLIII. In any suit hereafter to be brought for the recovery of an arrear of rent, the plaint shall specify the name of the village and estate, and of the pergunnah or other local division in which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of

which it is alleged to be due. If the arrear is alleged to be due from any ryot, the plaint shall further specify the quantity of land; and where fields have been numbered in a Government Survey, the number (if it be possible to give it) of each field.

The Court may in certain cases award to the plaintiff additional damages not exceeding 25 per cent.

XLIV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorized agent, or in case of the refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount in the Court before the institution of the suit in manner hereinafter mentioned, it shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five per centum on the amount of rent decreed, as the Court may think fit. These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve per centum per annum from the date of decree until payment thereof.

The Court may award compensation not exceeding 25 per cent. on the amount sued for, to a defendant improperly sued.

XLV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant had before the institution of the suit duly deposited in the Court, in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant, by way of compensation, such sum, not exceeding twenty-five per centum on the whole amount claimed by the plaintiff, as the Court may think fit; and such sum, with interest at the rate of twelve per centum per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums ordered to be paid by decrees of such Court.

Under-tenant or ryot may, after tender, &c., pay into Court, without any action being brought against him, what he admits to be due to his zemindar, &c.

XLVI. If any under-tenant or ryot shall, at the Mal Cutcherry for the receipt of rents or other place where the rents of the land or other immoveable property held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zemindar or other person in receipt of the rent of such land; and if the amount so tendered shall not be accepted, and a receipt in full shall not be forthwith granted, it shall be lawful for the under-tenant or ryot, without any suit having been instituted against him, to deposit such amount in the Court having jurisdiction to entertain a suit for such rent, to the credit of the zemindar or other person aforesaid; and such deposit shall, so far as the under-tenant or ryot, and all persons claiming through or under him, are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or ryot of the amount deposited to such zemindar or other person.

Payment into Court to have effect of payment to zemindar or other person entitled.

Proceedings on making a payment into Court and drawing out the money.

XLVII. Such deposit shall be received in such Court on the application of the under-tenant or ryot, or his agent, made in writing, and on the under-tenant, or ryot, or his agent, making a declaration in the form, or, as nearly as circumstances will admit in the form set forth in the Schedule (A) hereto annexed, and the Court shall give a receipt for the same under its seal. If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence. Upon receiving the money so deposited, the Court shall issue a notice to the person to whose credit it has been deposited, in the form set forth in the Schedule (B) hereto annexed; and such notice shall be served by the Court, without the payment of any fee, either upon the person to whom it is addressed, or upon his Naib, Gomashtah, or other agent; and in the absence of any such agent, it shall be served by sticking up a copy of the same in the said Court, and another copy upon the Mal Cutcherry for the receipt of rents, or other place where the rents are usually paid for the land in respect of which the money has been deposited. If the person to whom such notice is issued, or his duly authorized agent, shall appear and apply that the money in deposit be paid to him, it shall be immediately made over to him.

After action brought defendant may pay into Court, without costs, money tendered before action brought.

XLVIII. The defendant in any suit instituted under any of the provisions of this Act, may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as such defendant may consider to be due to the plaintiff without paying in any costs incurred by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, the plaintiff shall be charged with the whole costs of the suit incurred by the defendant; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit.

Costs if plaintiff goes on and recovers no more.

If no previous tender has been made, defendant may pay into Court what he admits to be due, with costs on that sum.

XLIX. The defendant in any suit instituted under any of the provisions of this Act, may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court, if necessary, as of a suit originally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be

paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit and ultimately recovers no further sum than shall have been paid into Court, he shall be charged with all costs incurred by the defendant subsequently to such payment; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with costs as upon a suit originally instituted, for the whole amount for which the plaintiff ultimately obtains a decree, but shall have credit thereout for the amount of costs paid into Court by him in the first instance.

Costs if plaintiff goes on with the suit.

L. No warrant of arrest before judgment shall be issued in a suit for arrears of rent due in respect of a dependent talook or other transferable tenure, which may be liable to sale in execution of any decree which may be passed in the case.

No warrant of arrest before judgment.

LI. It shall be lawful for any person entitled to recover the possession of land under any of the provisions of this Act, to include in his plaint a claim for the mesne profits of the land.

Mesne profits may be claimed in suits for recovery of land.

LII. Any person desiring to eject a ryot or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment and for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of such suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount, together with interest and costs of suit, be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

Suits for ejectment or cancelment of lease.

LIII. Whenever in any suit brought by any zemindar or other person in receipt of the rent of land, to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorised by any Regulation or Act, the Court shall pass a decree in favor of the plaintiff, no application in the form provided in Section 212 of the said Act VIII of 1859 shall be necessary, but the Court shall forthwith, upon the plaintiff depositing in Court the necessary expenses, make an order for delivery of possession in execution of the decree. Provided, however, that in cases to which Section LII of this Act is applicable, no such order shall be made until after the expiration of fifteen days from the date of the decree.

Court to issue immediate execution in certain cases.

LIV. It shall not be lawful for the Court to entertain any application for stay of execution of any such order pending any appeal, and no person who shall have been evicted under any such order shall be restored to possession so long as the decree under which such order was issued shall remain unreversed.

In such cases execution not to be stayed pending appeal.

LV. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Court may grant a pottah in conformity with the terms of the decree under the signature and seal of such Court, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

If person required by the decree refuse to grant pottah, Court may do so.

LVI. When a decree is given for the delivery of a kubooliyet, if the person required by the decree to execute such kubooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the signature and seal of the Court shall be of the same force and effect as a kubooliyet executed by the said person.

Refusal to execute kubooliyet as required by the decree.

LVII. Process of execution in any suit instituted under this Act may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both the person and property.

Process not to issue simultaneously against both person and property.

LVIII. No process of execution of any description whatsoever shall be issued on a judgment in any suit for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred Rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Court.

No execution to be issued after three years from date of judgment.

LIX. Whenever a decree may be passed for an arrear of rent due in respect of an under-tenure which by the title-deeds or the custom of the country is transferable by sale, and the judgment-creditor shall make application for the attachment and sale of such under-tenure, the Court shall, so soon as such under-tenure shall have been ordered to be sold, cause to be hung up in some conspicuous part of the building in which such Court sits, and of the buildings in which the Collector and Judge of the District within which the land comprised in such under-tenure is situate, and to be affixed on some conspicuous place on such land and on some conspicuous place in the town or village in or nearest to which such land is situate, a notice for the sale of such under-tenure on some fixed date not less than twenty days from the hanging up of such notice in such Court.

Procedure on sale of under tenure.

LX. Every such notice shall specify in the words used in the plaint in the suit in which the decree was made, the name of the village, estate, and pergunnah, or other local division in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree.

Contents of notice of sale of under-tenure.

LXI. No order for the sale of any such under-tenure shall be made in execution of a decree for recovery of arrears of rent payable in respect thereof, when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If, after sale of any such under-tenure in execution of such decree, any portion of the amount decreed remains due, process may be applied for and issued against any other property, moveable or immoveable, belonging to the debtor.

Under-tenures not to be sold while other execution in force.

LXII. If the sum due under the decree, together with interest to date of payment, and all costs of process, be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of Section 13 of Regulation VIII of 1819, for the recovery of sums paid by persons other than the defaulting holder of the under-tenure, to stay the sale of the under-tenure, shall be applicable to all similar payments made under this Section.

How the sale may be stayed by person interested in under-tenure.

LXIII. If after attachment and before sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, any third party may prefer a claim alleging that such third party and not the person against whom the decree has been obtained, is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Court shall not postpone such sale, unless and until such third party shall have deposited in Court the amount of the decree, or given sufficient security for the same. Provided always that no transfer of an under-tenure which, by the provisions of this Act or any other law for the time being in force, is required to be registered in the Sherishtah of the zemindar or superior tenant, shall be recognized unless it has been so registered, or unless sufficient cause for non-registration be shewn to the satisfaction of the Court.

If third party claim to be the lawful possessor of such under-tenure, Court to stay the sale and to enquire into, and adjudicate upon, the claim, upon decree being paid or secured.

Non-registered transfers not to be recognized.

LXIV. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure, for money due to him on account of his share of the rent of an under-tenure, situate in such undivided estate, talook, or tenure, no order for the sale of such under-tenure in execution of such decree, shall be made unless and until all moveable property, (if any), which such judgment-debtor may possess within the jurisdiction of the Court in which the suit was instituted, shall have been seized and sold in execution of such decree, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section LIX, may be seized and sold in execution of such decree, according to the ordinary procedure of the Court and not in the manner provided in the said Section, and every such sale shall have such and the same effect as the sale of any immoveable property sold in execution of a decree not being for arrears of rent payable in respect thereof.

Execution of decrees given in favor of sharers in undivided estates or tenures.

LXV. In the execution of any decree for the payment of any money under this Act, not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the district in which the suit was instituted, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

Execution of judgment.

LXVI. The purchaser of an under-tenure under the provisions of Sections LIX and LX of this Act shall acquire it free of all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagement under which the under-tenure was created, or by the subsequent written authority of the person who created it, his representatives or assignees: provided that nothing herein contained shall be held to entitle the purchaser to eject khoodkhast ryots or resident and hereditary cultivators, nor to cancel *bonâ fide* engagements made with ryots or cultivators of the classes aforesaid by any holder of the under-tenure or his representatives, except it be proved in a regular suit to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor. Nothing in this section shall be held to apply to the purchase of a tenure by the previous holder thereof through whose default the tenure was brought to sale.

Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.

LXVII. The purchaser of an under-tenure sold under this Act shall apply to the zemindar or other landholder within fifteen days from the day of sale to have his name registered in the zemindar or other landholder's books as the purchaser, and shall execute a kubooliyet on the same terms and conditions on which the under-tenure was held by the defaulter; and if such application be not made within fifteen days, it shall be lawful for the zemindar or other landholder to sue the said purchaser for the delivery of a kubooliyet.

Zemindar how to proceed if purchaser do not register.

LXVIII. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent, as defined in Section XXI of this Act, is due from any cultivator of land, the zemindar, lakhrajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive the rent of such land immediately from the actual cultivator thereof, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due, under the following rules. Provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security

Produce of the land to be held hypothecated for the rent.

Arrears of rent may be recovered by distraint under the following rules.

Cultivators who have given security to be exempt from distraint.

has been given, shall not be liable to distraint.

Proviso.

Provided also that no sharer in a joint estate, dependent talook, or other tenure in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorised to collect the rents of the whole estate, talook or tenure, on behalf of all the sharers in the same.

No distraint in certain cases.

LXIX. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

Power of distraint to be exercised by managers under the Court of Wards, &c.

LXX. The power of distraint vested by Section LXVIII in zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Wards, Surburakars, and Tehseeldars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by Naibs, Gomastahs, and other agents employed by any such persons as aforesaid in the collection of rent, if expressly authorised by dower of attorney in that behalf; provided that, if any illegal act is committed by any such Naib, Gomashtah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Proviso.

Standing crops and crops gathered, but not stored, liable to distraint.

LXXI. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a home-stead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

LXXII. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made. The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

Distress to be proportionate to the arrear if not paid or tendered.

LXXIII. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it at his usual place of residence.

Standing crops, &c., when attached, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

LXXIV. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose. Crops or products which from their nature do not admit of being stored, may be sold, before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when the crops or products, or any part of the same, would be fit for cutting or gathering.

Distrainer may apply for aid to the Court upon occasion of resistance made or apprehended.

LXXV. If a distrainer shall be opposed, or shall apprehend resistance, and shall desire to obtain the assistance of a public officer, he may apply to the Court which under the provisions of this Act would have jurisdiction to entertain a suit for the rent for which such distrainer is about to distrain, and the Court may, if it thinks necessary, depute an officer to support the distrainer in making the distraint.

Persons empowered to distrain may give written authority to their servants to do so.

LXXVI. When any person, empowered to distrain property under Section LXVIII or Section LXX, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.

LXXVII. If at any time after property has been distrained, and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Application for sale.

LXXVIII. Within five days from the time of the storing of any distrained crops or products, or if the crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Court which would have jurisdiction to entertain a suit for the rent for which the distress was made.

Form of application.

LXXIX. The application shall be in writing and shall contain an inventory or description of the property distrained, the name of the defaulter

and his place of residence, the amount due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application, the distrainer shall lodge in Court the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Cost of notice upon defaulter to be deposited by distrainer.

LXXX. Immediately on receipt of any application under the provisions of the next preceding Section, the Court to which such application shall have been made, shall appoint an officer to conduct the sale of such property and shall cause to be served a notice [which shall be in the Form contained in the Schedule (C) to this Act, or to the like effect] on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before such Court within the period of fifteen days from the receipt of the notice; and shall at the same time cause to be affixed upon some conspicuous place in the Court-house, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Procedure by Civil Court on receipt of application.

LXXXI. If a suit shall be instituted in pursuance of the aforesaid notice, the Court shall suspend proceedings in regard to the sale of the distrained property, and shall certify to the officer appointed to conduct the sale such suspension.

Sale to be suspended when suit instituted.

LXXXII. Any person whose property has been distrained in the manner in this Act provided, may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale; when such suit is instituted, the Court shall suspend proceedings in respect of the sale of such property.

Suit to contest distrainer's demand before issue of notice of sale.

LXXXIII. The person whose property has been distrained, may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with sufficient security, binding himself and his sureties to pay whatever sum may be adjudged to be due from him with interest and costs of suit; and when such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if so requested, shall serve the distrainer with notice of the same, and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distraint.

Distress to be withdrawn on receipt of Court's certificate that the owner has executed a bond to pay amount of decree with interest and costs.

LXXXIV. The estimated value of the claim made in any suit filed under the provisions of Sections LXXX, LXXXII, & XCVI, or any of them, shall be deemed to be the amount of arrears of rent for which the distraint shall have been made.

Value of claim in suits disputing distress.

LXXXV. On the expiration of the period fixed in the proclamation of sale, if a suit to contest the demand of the distrainer be not in the meantime instituted in the Court and certified to the officer appointed to conduct the sale, such officer shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property, or such part of it as may be necessary, in the manner hereinafter prescribed.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

LXXXVI. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haut, or other place of public resort, if the officer appointed to conduct the sale should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots as such officer holding the sale may think advisable, and if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Place and manner of sale of distrained property.

LXXXVII. If on the property being put up for sale a fair price, in the estimation of the officer holding the sale, be not offered for it, and the owner of the property or some person authorised to act on his behalf apply to have the sale postponed until the next day or the next market day, if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed, whatever price may be offered for the property.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

LXXXVIII. The price of every lot shall be paid for in ready money at the time of sale, or as soon after as the officer holding the sale shall think necessary, and in default of such payment the property shall be put up again and sold. When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Payment of purchase-money.

LXXXIX. From the proceeds of the sale of distrained property, the officer holding the sale shall make a deduction at the rate of one anna in the Rupee on account of the costs of the sale, and shall transmit the amount to the Court, in order that it may be credited to Government. He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale prescribed in Section LXXX, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made, with interest thereupon up to the day of

Proceeds of sale.

sale; and if there be any overplus, it shall be delivered to the person whose property shall have been sold

Officers holding sales prohibited from purchasing.

XC. Officers holding sales of property under this Act, and all persons employed by or subordinate to such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers.

All irregularities to be reported to the Court.

XCI. Officers holding sales of distrained property are required to bring to the notice of the Court any material irregularities committed by distrainers under color of this Act: and if in any case, on proceeding to hold a sale of property, such officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under Section LXXX, or pass such other order as may seem proper.

Recovery of expenses if officers proceed to place of sale and no sale take place.

XCII. When any such officer has proceeded to any place for the purpose of holding a sale, and no sale takes place either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to such officer, the charge of one anna in the Rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary. In all other cases the Court shall make an order that such expenses shall be paid by the distrainer, and shall in such order fix the amount to be paid by him; such amount not to exceed the sum of ten Rupees: and the amount by such order directed to be paid may be recovered from such distrainer as if such order were a decree of such Court.

Proceedings of officers, &c., subject to revision and orders of Court.

XCIII. All proceedings under this Act of the officers appointed to hold sales of distrained property shall be subject to the revision and orders of the Court to which they respectively are attached, and the Court may require the submission of such reports and statements of business performed by such officers as may be thought necessary.

Second proclamation of sale.

XCIV. When a suit has been instituted to contest the demand of a distrainer, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the officer appointed to conduct the sale of such property and furnish a copy of such order to the distrainer, authorising the sale of the property; and on the application of the distrainer, which shall be made within five days from the receipt by him of such copy of such order, such officer shall publish a second proclamation in the manner prescribed in Section LXXX, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress, including any costs of suit which may be ordered to be paid by the person instituting such suit, be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Procedure after institution of suit to contest distrainer's demand.

XCV. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself instituted a suit for the amount. If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favor of the distrainer, together with such costs of suit as to such Court may seem proper, and the amount may be recovered by sale of the property as provided in the last preceding Section if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or if the property has been released on security, by execution of the decree against the person and property of the defaulter and of his surety. If, on the other hand, the distraint is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such damages in favor of the plaintiff as the circumstances of the case shall seem to require, and may decree the costs of the suit to be paid by the distrainer.

Any person whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer.

XCVI. If any person shall claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person to try the right to the possession of the property in such Court, and in like manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted, the property may be released upon security being given for the value of the same. If the claim is dismissed, the Court shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer, and for payment of such costs of suit to such distrainer, as to such Court shall seem fit. If the claim is upheld, the Court shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require. Provided always that no claim to any produce of land liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the

person entitled to the rent of the land; nor shall any attachment in execution of a judgment or decree of any Court prevail against such prior claim.

Persons prevented from suing in time to save their property from sale, may sue for damages.

XCVII. If any person, whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by Sections LXXXII and XCVI, and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Also persons aggrieved by any illegal act of distrainer.

XCVIII. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

Unlawful distraint.

XCIX. If any person not empowered to distrain property under Sections LXVIII and LXX of this Act, nor employed for the purpose under a written authority by a person so empowered, shall under color of this Act, distrain or sell or cause to be sold any property, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall when the act complained of does not amount to criminal trespass, be liable to fine which may extend to three hundred Rupees, or to imprisonment, simple or rigorous, which may extend to two months, or to both, in addition to any damages which may be awarded against him in such suit.

Time for commencing suits for damages.

C. Provided always that any suit which may be instituted under any of the last three Sections shall be commenced within three months from the date of the occurrence of the cause of action.

Procedure on resistance to distraint, &c.

CI. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Court which would have jurisdiction in a suit for the rent for which such distraint was made, shall, upon complaint being made within fifteen days from the date of such resistance or removal, cause the person accused to be arrested; and if the offence be proved, and the offender be the owner of the property, shall order him to be imprisoned in the Civil Jail for six months, or until the whole arrear due to the distrainer, with all expenses and costs, shall be paid or levied by attachment and sale of the property of the offender under warrant of the Court. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred Rupees, or, in default of payment thereof, to imprisonment for a period not exceeding two months.

No appeal from any decree of the District Judge for money below 100 Rupees, unless it involve the right to enhance rent or a title to land.

CII. Nothing in this Act contained shall be deemed to confer any power of appeal in any suit tried and decided by a District Judge, originally or in appeal, if the amount sued for, or the value of the property claimed, does not exceed one hundred Rupees, in which suit a question of right to enhance or vary the rent of a ryot or tenant, or any question relating to a title to land or to some interest in land as between parties having conflicting claims thereto, has not been determined by the judgment.

Review of judgment.

CIII. No application for a review of any judgment or order passed in any suit brought under the provisions of this Act shall be received by any Court after the expiration of thirty days from the date of such order or judgment, but nothing in this Section contained shall be deemed to apply to the High Court of Judicature at Fort William in Bengal.

Small Cause Court not to have jurisdiction.

CIV. Nothing in this Act contained shall be deemed to confer upon any Court sitting as a Court of Small Causes cognizance of any suit brought under the provisions of this Act, of which it would not have had cognizance if this Act had not been passed.

Power to issue process free of charge.

CV. If in any case the Court is satisfied that a party is unable to pay the cost of any necessary process in any suit under this Act, it may direct such process to be served free of charge.

Application of Act.

CVI. This Act shall take effect in those Districts in the Provinces subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*, and thereupon this Act shall commence and take effect in the Districts named in such order at the day and time which shall be in such order provided for the commencement thereof.

Certain enactments to cease to have operation in places in which this Act takes effect.

CVII. When and so soon as this Act shall commence and take effect in any District, the various provisions mentioned in Schedule (D) hereto annexed, shall cease to have operation or effect in such District, save so far as they repeal or modify any other Regulations or Acts and save so far as regards suits or proceedings which before the time of the commencement of this Act shall have been instituted before any Collector.

CVIII. Whenever any suit or other proceeding under the provisions of the Acts in the Schedule (D) mentioned, or of any of them, shall at the time when this Act comes into operation in any place have been instituted before any Collector or other Officer having under the provisions of the same Acts or of any of them jurisdiction in such suit or proceeding, such suit or proceeding and all appeals therein shall be heard and determined, and execution of any decree or order therein shall be had, and the practice and procedure therein shall be such and the same, as if this Act had not been passed.

Pending suits to be carried on under former practice.

CIX. Nothing in this Act contained shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to ascertain, regulate, and record certain tenures in Chota Nagpore, on any person appointed to be a Special Commissioner thereunder, or on the Commissioner of the Division of Chota Nagpore.

Act not to effect powers conferred by the Chota Nagpore Tenures Act.

CX. Nothing in this Act contained shall in any way affect any of the provisions of Act VII of 1868 of the Council of the Lieutenant-Governor of Bengal for the recovery of arrears of land revenue and other demands recoverable as arrears of land revenue.

Act VII of 1868 saved.

CXI. This Act shall be called "The Landlord and Tenant Procedure Act, 1869."

Short title.

SCHEDULE A.

(Referred to in Section XLVII.)

I, A. B., of, &c., do solemnly declare that I did personally (or by my Agent, C. D), on the day of tender payment to E. F. at his Mal Cutcherry (or at) the place where the rent of the lands at held or cultivated by me under or from the said E. F. are usually payable, of the sum of Rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered (or to give me a receipt in full forthwith for the same); and I do declare that, to the best of my belief, the sum of Rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

SCHEDULE B.

(Referred to in Section XLVII.)

Court of
Dated the day of 18

To E. F., of, &c.

WITH reference to the within declaration, you are hereby informed that the sum of Rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or to your duly authorized Agent on application; and take notice that if you have any further claim or demand whatsoever to make against the said A. B. in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

[Copy of declaration in Schedule A to be annexed.]

SCHEDULE C.

(Referred to in Section LXXX.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Court of

A. B., Distrainer.

(Name, description, and address of the owner of the property.)

WHEREAS the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit in the Court of to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 18 .

SCHEDULE D.

(Referred to in Sections CVII *and* CVIII*)*

Being Acts made inoperative in Districts in which this Act is in force.

Date and No. of Act.	Title of Act.	Extent of Repeal.
Act X of 1859 ..	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	The whole Act.
Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council.	An Act to amend Act X of 1859.	The whole Act.
Act IV of 1867 passed by the Lieutenant-Governor of Bengal in Council.	An Act to explain and amend Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.	The whole Act.

J. PITT-KENNEDY,
Asst. Secy to the Govt. of Bengal,
(Legislative Department.)

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

REVENUE AND GENERAL DEPARTMENTS.

No. 1480R.

APPOINTMENTS.

The 26th October 1869.—Mr. E. V. Westmacott to officiate, until further orders, as Joint-Magistrate and Deputy Collector of Dinagepore, with effect from the 6th July last.

The 28th October 1869.—Mr. A. Forbes to be a Member of the Local Committee of Public Instruction at Beerbhoom.

Moulvie Ali Hossein, Deputy Magistrate and Deputy Collector of Nowada, is transferred to the Sudder Station of Gya.

Moulvie Syed Warris Ali, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Nowada, until further orders.

Mr. S. F. Downing is appointed to be Assistant Professor of Civil Engineering in the Presidency College, and is placed in the Fourth Grade of the Bengal Educational Service.

The 29th October 1869.—Mr. F. J. Marsden to officiate as Professor of English Law in the Presidency College, during the absence, on leave, of Mr. J. H. A. Branson, or until further orders.

The 30th October 1869.—Mr. A. W. Master to be an Assessor, under Act IX. of 1869, in the Town of Calcutta and its Suburbs, *vice* Mr. T. R. Monro, resigned, with effect from the 1st ultimo. Mr. Master will exercise the powers of a Collector for the purposes of the said Act.

Mr. E. S. Andrew to be a Member of, and Secretary to, the Local Committee of Public Instruction at Bograh.

Mr. H. Rattray, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Dukhin Shahbazpore.

Baboo Heeralall Mookerjee, Deputy Magistrate and Deputy Collector, Dacca, is transferred to Backergunge.

Baboo Mohendra Nath Bose, Deputy Collector of Survey, Hooghly, is appointed to be a Deputy Magistrate under Act XV. of 1843, and a Deputy Collector under Regulation IX. of 1833, in Backergunge, and is vested with the powers of a Subordinate Magistrate of the First Class.

The 1st November 1869.—Mr. Alleyrick Broadley to be an Assistant to the Magistrate and Collector of 24-Pergunnahs, and to exercise the powers of a Subordinate Magistrate of the Second Class.

Mr. G. Goodair Dey to be an Assistant to the Magistrate and Collector of Purneah, and to exercise the powers of a Subordinate Magistrate of the Second Class.

Lieutenant G. L. M'L. Farmer, 60th Rifles, to be Aid-de-Camp upon the Personal Staff of the Lieutenant-Governor of Bengal.

Mr. C. A. S. Bedford to be Sub-Registrar of Assurances of the Sub-District of Puruliah, having its head-quarters at the Sudder Station of the District of Maunbhoom, with effect from the 25th August last.

The 2nd November 1869.—Major J. M. Graham, Officiating Deputy Commissioner of the Chittagong Hill Tracts, is vested with the powers of a Magistrate in the District of Chittagong.

Mr. James Pratt to be an Assistant to the Magistrate and Collector of Jessore, and to exercise the powers of a Subordinate Magistrate of the Second Class.

Mr. T. J. C. Grant, to officiate as Joint-Magistrate and Deputy Collector of Bhaugulpore.

Mr. A. C. Brett, to be an Assistant to the Magistrate and Collector of Bhaugulpore, and to officiate as a Joint-Magistrate and Deputy Collector of the Second Grade.

Mr. H. C. B. C. Raban to officiate as Magistrate and Collector of Chittagong, in the Second Grade, during the absence, on deputation, of Mr. J. D. Ward, or until further orders.

Mr. V. Irwin to officiate as Joint-Magistrate and Deputy Collector of Hooghly.

Mr. W. F. Meres to be an Assistant to the Magistrate and Collector of Dacca, and to have charge of the Sub-Division of Moonsheegunge. Mr. Meres will officiate as a Joint-Magistrate and Deputy Collector of the 2nd Grade.

Baboo Bemola Churn Bhuttacharjee, Deputy Magistrate and Deputy Collector, to have charge of the Sub-Division of Nowada, in Gya.

LEAVE OF ABSENCE.

The 10th September 1869.—Mr. T. D. Ingram, Officiating Judge of the Court for the trial of Pilots, is allowed leave of absence from the 25th instant to the 5th November next.

The 28th October 1869.—Mr. H. L. Dampier, Secretary to the Government of Bengal in the General and Revenue Departments, is allowed subsidiary leave from the 19th to the 22nd July last.

The 1st November 1869.—Lieutenant E. H. Steel, Assistant Superintendent of Survey, Second Division, Lower Provinces, for one month, on private affairs, under Section XI. of the Military Furlough Rules of 1868.

The 2nd November 1869.—Moulvie Syud Warris Ali, Deputy Magistrate and Deputy Collector of Nowada, for two months, under the Financial Notification, No. 3622, dated 22nd December 1865.

Baboo Nobin Krishna Sircar, Deputy Magistrate and Deputy Collector, Sarun, for three months, under paragraph 11 of the Uncovenanted Civil Service Absentee Rules from the date on which he has taken the leave.

Moulvie Mahomed, Deputy Magistrate and Deputy Collector, Palamow, for three months, under the Financial Notification No. 3622, dated the 22nd December 1865.

NOTIFICATIONS.

Mr. H. L. Dampier, C. S., reported his departure from Madras on the 23rd July last, on board the steam ship *Deccan*.

Mr. S. F. Downing, selected by His Grace the Secretary of State for India for appointment to the Bengal Educational Service, reported his arrival in India on the 15th ultimo.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

NOTIFICATION.

The 27th October 1869.—It is hereby notified that, under the provisions of Section 98 of Act XX. of 1866 (the Indian Registration Act, 1866,) the Lieutenant-Governor has been pleased to extend that Act to the whole of the District of

Julpigooree, as defined in the Government Notifications of the 8th December 1868 and the 15th June 1869.

The present Sub-district of Julpigooree, as included within the District of Rungpore, is abolished.

Two new Sub-districts will be formed within the district.

1. The Julpigooree sub-district will be conterminous with the Sudder Sub-division, and the Sub-registry Office will be situated at Julpigooree.

2. The Fallacotta Sub-district will be conterminous with the Sub-division of that name, and the Sub-registry Office will be at Fallacotta.

The Deputy Commissioner of Julpigooree, will be the Registrar of the District, and the Subdivisional Officer in charge of Fallocotta will be the Sub-Registrar of that sub-district *ex-officio*.

Mr. F. J. R. Walker is appointed Sub-Registrar of Julpigooree.

This Notification will take effect from the 1st January 1870.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Home Department, is re-published for general information :—

No. 4823.—*Simla, the* 21*st October* 1869.—*Notification.—Public.*—By virtue of the power vested in the Governor General in Council by Section 21 of Act XXV. of 1867, entitled "An Act for the Regulation of Printing Presses and Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books," His Excellency in Council is pleased to exempt from the operation of the clause in Section 18 of the said Act, which requires the payment of the sum of two Rupees to the officer keeping the catalogue of books, all such books as become the property of Government for educational purposes.

The following Orders issued by the Government of India, in the Financial Department, are re-published for general information :—

No. 3904.—*Simla, the* 11*th October* 1869.—*Notification.—Leave and Allowances.*—The following is substituted for the Resolution No. 1717, passed in this Department on the 30th June 1869 :—

RESOLUTION.—In the Resolution No. 409, passed in this Department on the 7th May 1869, it is provided that the rate of absentee allowance admissible to a civil officer proceeding on leave shall, in all cases, be shown in his last pay certificate by the Accountant-General of his Presidency ; but in the case of a Covenanted Civil Servant, or Military Officer in civil employ, whose appointment has been changed within the period on his average salary for which his furlough allowance is to be calculated, the rate of furlough allowance will sometimes depend on the date on which he may make over charge of his office, and the Accountant-General of his Presidency will not be aware of that date at the time the last pay certificate is prepared if the absentee intends to embark at a port in a Presidency other than that in which he is employed, and has not to pass through the Accountant-General's station on his way to that port. For cases in which, for these reasons, the Accountant-General is unable to specify the rate of absentee allowance, the Governor General in Council is pleased to lay down the following in lieu of the rules prescribed in the 6th paragraph of the above-mentioned Resolution. The Accountant-General of the absentee's Presidency must send him a document in the Form A. appended to this Resolution, leaving the fifth, sixth, eighth and ninth spaces on the face of the form blank, and forward a duplicate of it to the Accountant-General or District Officer at the port at which the absentee intends to embark for Europe. Before the absentee's departure from his station, the District Officer in charge of the treasury from which he last drew pay must fill up the sixth space on the face of the original form, and fill up and attest the certificate at the end of that form. The Accountant-General or District Officer at the port at which the absentee intends to embark for Europe must act up to the instructions in the letter to his address on the back of the form, must copy the entry in the sixth space on the face of the original form and the entries and signature in the certificate at the end of that document into the duplicate form, and must return the original form to the absentee. If he be an Accountant-General, he must, moreover, forward the duplicate form to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the form to the Accountant-General of the absentee's Presidency with a letter in the Form B. appended to this Resolution ; but if he be a District Officer, he must forward the duplicate Form A. to the Accountant-General of his own Presidency, who must send it on to the Local Government for transmission to the Secretary of State, and forward a copy of the certificate at the end of the Form A. to the Accountant-General of the absentee's Presidency with a letter in the Form C. appended to this Resolution.

ORDER.—Ordered, that copies of the foregoing notification be forwarded to the Foreign, Home, Military, Public Works, and Legislative Departments ; the Governments of Bengal, Madras, Bombay, the North-Western Provinces, and the Punjab ; the Comptroller-General of Accounts, the Director-General of the Post Office of India ; the Mint Master, Calcutta ; the Head Commissioner of Paper Currency, Calcutta ; the Accountants-General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah ; and the Deputy Accountants-General in the Central Provinces, Hyderabad, and Mysore.

FORM A.

Last Pay Certificate of (title and name) *of the* (Corps or Service) *proceeding on* (nature of leave) *to Europe.*

1.—Government under which employed	...	1
2.—Substantive appointment	...	2
3.—Acting appointment, if any	...	3
4.—Period of leave	...	4
5.—Date of commencement of leave	...	5
6.—Rate of absentee allowance	...	6
7.—Place of payment	...	7
8.—Date from which first payment is to be made	...	8
9.—Amount, if any, paid in advance	...	9
10.—Source from which absentee allowance is payable		10
11.—Period for and terms on which leave may be extended or commuted	...	11

NOTE.—*(Title and names)* salary and acting allowance for the three years preceding (or the period from the———to) this date, exclusive of periods of absence on other than privilege leave were—

	Rs. A. P.
Rs. per mensem from the *(date)* to the *(date)*...	0 0 0
Rs. per mensem from the *(date)* to the *(date)*...	0 0 0
Total ...	0 0 0

The rate of absentee allowance admissible to him is half his monthly average salary and acting allowance for the three years preceding (or for the period from the——— to) the date on which he may make over charge of his office, exclusive of periods of absence, on other than privilege leave, provided that the allowance does not exceed £1,000 or fall short of £250 per annum.

(Place the *date).* (SIGNATURE)

Accountant-General.

Certified that the above-named Officer appeared before me on this date, that he stated his intention of embarking for Europe on the *(name of vessel)* which leaves this port on the *(date)*, that he drew an (or no) advance of salary, and that the fifth, eighth and ninth spaces in the above certificate have been filled up by me accordingly.

(Place) the *(date).* (SIGNATURE)

Accountant-General or Collector.

REVERSE.

FROM
THE ACCOUNTANT-GENERAL,
(name of absentee's Presidency),

TO
THE ACCOUNTANT-GENERAL (or Collector of)
(name of port of embarkation).
Dated *(place)* the *(date)*.

SIR,

I have the honor to request that when *(title and name of absentee)* produces this letter, you will pay him at the rate of ——— per month, less the deduction shown in the margin, from the date up to which he last drew pay from the ——— treasury to the date on which he may make over charge of the office of ——— as shown below, and at the rate of half his monthly average salary and acting allowance as shown below for the period not exceeding *(maximum of subsidiary or preparatory leave)* from the date on which he may make over charge of that office to the day preceding his departure from *(name of port of embarkation)*, that you will grant him an advance of ———, if required, and fill up accordingly the certificates on the reverse. The date to be shown in the fifth and seventh spaces of the last pay certificate is that of *(title and name of absentee's)* departure from *(name of port of embarkation)*.

Rs. A. P.
——— ———

I have, &c.,
(SIGNATURE.)

FORM B.

FROM
THE ACCOUNTANT-GENERAL,
(name of port of embarkation),

TO
THE ACCOUNTANT GENERAL,
(name of absentee's Presidency).
Dated *(place)* the *(date)*.

SIR,

I have the honor to forward a copy of the District Officer's certificate subjoined to your letter No. ——— of the ——— with the following information:—*(Title and name of absentee)* appeared before me on the ——— and received pay at the rate of ——— per month, less the deductions shown in the margin, from the ——— to the ——— amounting to ——— and at the rate of ——— per month, from the ——— to the ———, amounting to ———. He received an (or no) advance of pay, and his last pay certificate was filled up as follows:—

Rs. A. P.
——— ———

5.—Date of commencement of leave ... 5
6.—Rate of absentee allowance 6
8.—Date from which first payment is to be made 8
9.—Amount, if any, paid in advance ... 9

I have, &c.,
(SIGNATURE)
Accountant-General.

FORM C.

FROM
THE ACCOUNTANT-GENERAL,
(name of Presidency from which the absentee embarked for Europe),

TO
THE ACCOUNTANT-GENERAL,
(name of absentee's Presidency.)
Dated *(place)* the *(date)*.

SIR,

I have the honor to forward a copy of the District Officer's certificate subjoined to your letter No. ——— of the ——— to the *(designation of District Officer at the port of embarkation)* with the following information:—*(Title and name of absentee)* appeared before the above-named Officer on the ——— and received, &c. *(as in Form B.)*

(Title and name of Absentee) received his salary from the ——— treasury at the rate of ———, less the deduction shown in the margin, up to the ———, and to no later date. He made over charge of the Office of ——— on the fore (or after) noon of the ———. His average monthly salary and acting allowance for the three years preceding (or for the period from the ——— to the) date on which he made over charge of his office is Rs. ———, and the sixth space in the certificate on the face of this form has been filled up accordingly.

(Place the date).

Collector of ———
Accountant-General.

No. 4284.—*Simla, the* 22*nd October* 1869.—*Mint and Currency.*—The Governor General in Council directs that it be notified for general information that the payment of any sum of money which any one has to make to Government in any Department, can be made in Government Notes of any issue irrespective of Presidency or Circle, and that all Officers of Revenue, Customs, Tax Office, Railway, &c., are hereby authorized to receive payment in Notes of any issue irrespective of Presidency or Circle.

The following Order issued by the Government of India, in the Military Department, is re-published for general information:—

No. 1065.—*Simla, the* 20*th October* 1869.—The services of Lieutenant G. L. M'L. Farmer, of Her Majesty's 60th Foot (King's Royal Rifle Corps), are placed at the disposal of the Government of Bengal.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

The following Notification issued by the Government of India, in the Marine Department, is published for general information:—

MARINE DEPARTMENT.
Fort William, the 24*th September* 1869.
No. 14.
Marine Notification, 7*th September* 1869.

The following Notification by the Colonial Secretary at Colombo is published for general information:—

Notice is hereby given that from and after the 1st day of January 1870, no signals will be made or answered from Government stations on shore or ships at sea except by means of the Commercial Code of Signals.

By His Excellency's Command,

HENRY T. IRVING,
Colonial Secretary.

COLONIAL SECY.'S OFFICE, COLOMBO;
The 16*th July* 1869.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

JUDICIAL AND POLITICAL DEPARTMENTS.

No. 687J.

APPOINTMENTS.

The 7th October 1869.—Dr. Thomas Crowdace, of the 10th Regiment M. N. I., officiated in medical charge of the Jail and Civil Station of Ranchee, in addition to his own duties, from the 8th May to the 7th July last, during the absence of Dr. J. J. Wood, on special duty.

The 28*th October* 1869.—Mr. J. F. Browne to officiate as Civil and Sessions Judge of Nuddea, during the absence, on leave, of Mr. W. F. McDonell, or until further orders.

The 30*th October* 1869.—The following gentlemen to be Municipal Commissioners for the Town of Santipore, *viz.*:—

Baboo Ramkanye Gossamy.
" Kassi Chunder Banerjee.
" Modhoosoodun Paramanick.
" Obhoy Churn Bagchee.
" Bejoy Kissen Gossamy.
" Shib Chunder Pal.
" Bissombhur Bhuttacharjee.

The 2nd November 1869.—Mr. F. C. Fowle, to be Civil and Sessions Judge of Tipperah.

Mr. H. C Richardson, now on leave, to be Civil and Sessions Judge of Rungpore.

LEAVE OF ABSENCE.

The 1st November 1869.—Dr. J. A. Greene, Medical Officer of Tipperah, is allowed privilege leave for two months, under the Financial Notification No. 3622, dated 22nd December 1865, and is authorized to make over charge of the Civil Station to the Native Doctor of the Charitable Dispensary at Commillah.

NOTIFICATION.

The 1st November 1869.—The services of Third Grade Sub-Assistant Surgeon Behary Lall Ghose, a Supernumerary at the Presidency, are placed at the disposal of the Government of India in the Home Department.

Mr. R. S. O'Connor, of the Police, having reported his return to Bombay on the afternoon of the 16th ultimo, the unexpired portion of his leave is cancelled.

A. EDEN,

Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Home Department, is re-published for general information :—

Extract from the Proceedings of the Government of India, in the Home Department (Police).

Nos. 730 *to* 738.—*Simla, the* 16*th October* 1869.—*Police.—Resolution.*—The necessity for reduction of expenditure in all Departments being urgent, it becomes an imperative duty to scrutinize the charges for Police which have now risen to a gross amount of nearly two and a half millions sterling annually.* Even after allowing for the receipts from municipalities and other sources,† the cost has, during the last few years, greatly increased, and such reductions as can be made without impairing the efficiency of the service must be carried out as rapidly as circumstances will admit. Nor will the fact of any Province having been hitherto allowed to have a fixed annual sum for its Police be permitted to stand in the way of reductions of general application.

* The figures for 1868-69, according to actual expenditure, are £2,476,580.

† The receipts in 1868-69, were £277,237.

2. His Excellency the Governor General in Council would not desire to reduce the numbers or pay of constables, or otherwise to issue orders affecting the minor details of Police administration, without previous reference to the Local Governments and Administrations. But there are changes which may be made on general principles, conducing greatly to economy in administration, and yet, in the opinion of His Excellency in Council, not injurious to efficiency. It may confidently be expected that all Local Governments and Administrations will readily accept these changes, and do their best to support the Government of India in the efforts now being made to retrench all redundant expenditure.

3. The first of the reductions to be made is in the appointment of Deputy Inspector-General of Police. The office has already been condemned as useless and abolished in the minor Administrations under the Government of India, and there is no doubt that it may equally well be abolished elsewhere. In Bengal one officer of this rank has been recently appointed for special detective service, and would necessarily be retained for the present; but, with this exception, in all Provinces the office of Deputy Inspector-General must be abolished. By these means fifteen appointments, costing annually in pay alone Rs. 2,28,000, will be dispensed with, and a further saving, estimated at the least at Rs. 72,000, on account of travelling allowances and establishments, will bring the total annual saving to three lakhs of rupees.

4. Another reduction which may be made is in the office of Assistant District Superintendent. The principal reason for maintaining this grade of officers is to train District Superintendents, as it would be inexpedient to entrust the Police charge of a District to a Superintendent wholly without experience. There are also places in which it is desirable to station an assistant on detached duty, and virtually in charge of a District, as, for instance, in the Naga Hills in Assam. These cases however are exceptional. Ordinarily assistants are employed to aid District Superintendents, although the work might be done as efficiently and more economically by experienced Inspectors.

5. The number of assistants therefore may safely be reduced to the number required to train young officers for Superintendents, and to serve on detached duty at places where an Inspector would not suffice.

6. In Regulation Provinces it will be necessary to retain some assistants with the former object.

7. In the smaller Non-Regulation Provinces, in fact in all, except perhaps the Punjab, it will be quite feasible to dispense altogether with Assistant Superintendents, except so far as their services are required for detached duty.

8. In carrying out this principle, it is estimated that the services of 107 Assistant District Superintendents may be dispensed with, causing a saving in pay alone of Rupees 4,50,000 annually; and if a moderate sum be added for travelling and other contingent expenses, the relief to the Police Budget will be under this head upwards of Rupees 5,00,000.

9. There will thus be a saving of 122 officers, and upwards of Rupees 8,00,000 per annum.

10. Other savings may doubtless be made, and it is believed that a further considerable sum can be struck off the Police expenditure; but His Excellency in Council does not consider it desirable to order other retrenchments without previous reference to Local Governments and Administrations.

11. The Governor General in Council requests that no appointments in the rank of Deputy Inspector-General, or Assistant District Superintendent, be filled up either permanently or temporarily pending the receipt of further instructions, which will be issued in detail to each Local Government and Administration.

12. The Governor General in Council desires further to express his conviction that, in giving effect to these reductions, endeavours will be made to absorb as far as possible the officers whose appointments are to be reduced, and to secure their employment, whether in their own Provinces or those adjacent to them, as occasions occur, in other branches of the Administration. In Non-Regulation Provinces it will be easy to provide for the reductions by transferring to other appointments some of the Police Officers who are qualified for other local duties; and it may be remarked generally that in these Provinces there is no objection whatever to promote Police Officers, who are properly qualified to appointments in the general Administration.

13. In all Administrations openings will be found in the Superintendents of Central Jails, in the new State Railways, in the Forest Department, in the establishments to be created in the Salt Department in Oudh and elsewhere, and in the arrangements for the employment of prisoners in large bodies on extramural labor.

14. For some Military Officers military appointments may gradually be found, and the Governor General in Council has no doubt that their claims will receive full consideration from the Commander-in-Chief of the armies to which they severally belong. In any case officers placed out of employ must have the preference over fresh candidates for any appointments for which they are fitted, and the Governor General in Council will be guided in the disposal of his own patronage by the same principle until all the officers displaced are provided for.

15. The reductions should begin to take effect as vacancies occur, but they must be completed by the 31st of March next; for provision will not be made in next year's Budget for the appointments which will under these orders be reduced.

ORDER.—Ordered, that a copy of the foregoing Resolution be forwarded to the Local Governments and Administrations noted in the margin for information and guidance.

Government of Madras.
" Bombay.
" Bengal.
" N. W. Provinces.
" Punjab.
Chief Commissioner of Oudh.
" " Central Provinces.
" " British Burmah.
Resident at Hyderabad.

A. EDEN,

Secy. to the Govt. of Bengal.

The following extract from the *Government Gazette*, North Western Provinces, dated 20th October 1869, is published for general information:—

POLICE DEPARTMENT.

No. 566A.

Dated the 12th October 1869.

Mr. M. B. Rochfort is appointed to officiate as Assistant-Inspector-General of Police on that portion of the East Indian Railway which lies within the jurisdiction of this Government, during the absence, on furlough, of Captain Quintin Dick Parsons, or until further orders.

A. Eden,
Secy. to the Govt. of Bengal.

NOTIFICATION.

The 28th October 1869.—It is hereby notified that the provisions of Section 20 of Act XIV. of 1868 are extended to the Town of Calcutta and its Suburbs. The provisions of the Section will not be put in force until the 1st of January 1870.

A. Eden,
Secy. to the Govt. of Bengal.

NOTIFICATION.

The 28th October 1869.—Under Section 16 of Act II. (B. C.) of 1867, (an Act to provide for the punishment for public gambling and the keeping of common gaming houses), the Lieutenant-Governor is pleased to authorize the extension of the provisions of the Act to the Town of Dinagepore, in the District of Dinagepore. The limits of this town for the purposes of the Act will be the same as those published at page 2074 of the *Calcutta Gazette* of the 23rd December 1868, for the purposes of Act VI. (B. C.) of 1868, (the District Towns' Act.)

A. Eden,
Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

Establishments.

No. 344.

The 25th October 1869.

Transfers.—Baboo Jogender Chunder Chatterjee, Local Overseer, First Grade, from the Dacca Division, to the Western Circle.

No. 345.

The 29th October 1869.

Posting.—Mr. J. F. Nelson, Supervisor, Second Grade, is posted to the Presidency Circle.

No. 346.

Notification.—The Burdwan (Local Road) Division will be abolished from the 1st November 1869, and the works hitherto comprising it are transferred to the 1st Division Grand Trunk Road.

No. 347.

Transfers.—Baboo Preonauth Banerjee, Engineer Apprentice, and Baboo Satcoury Chatterjee, Overseer First Grade, attached to the Burdwan (Local Road) Division, are transferred from the Local to the Imperial Establishment and posted, the former to the Northern Circle, and the latter to the Third Presidency Division.

No. 348.

Baboo Omirtolall Mookerjee, Local Supervisor First Grade, from the Burdwan (Local Road) to the First Division Grand Trunk Road.

No. 349.

Transfers.—Mr. R. N. Unkles, Assistant Engineer Third Grade, from the Darjeeling Division, to the Presidency Circle.

No. 350.

Appointment.—Gunner H. Hamilton, Probationary Overseer, First Grade, attached to the Berhampore Division, is permanently appointed to the Upper Subordinate Establishment in that Grade.

No. 351.

Transfer.—Baboo Haran Chunder Bose, Accountant, Fourth Grade, from the Central Office of Account Bengal, to the Dum Dum Division as Divisional Accountant.

No. 352.

The 1st November 1869.

The following Orders issued by the Government of India, Public Works Department, are republished for information:—

No. 299 of the 15th October 1869.—Messrs J. D. Derry, Executive Engineer, Fourth Grade, and A. B. George, Assistant Engineer, Second Grade, are transferred from British Burmah to Bengal.

No. 309 of the 19th October 1869.—Lieutenant G. A. L. A. Whitmore, R. E., Assistant Engineer, First Grade, is transferred from the North-Western Provinces to Bengal, and Lieutenant W. F. Richardson, R. E., Assistant Engineer, First Grade, from Bengal to the North-Western Provinces.

No. 353.

Notification.—Mr. J. F. Maxwell, Assistant Engineer, Second Grade, attached to the Lower Assam Division, passed in the Colloquial Hindustance on the 5th October 1869.

No. 354.

Posting.—Serjeant A. Freeman, Overseer, First Grade, is posted to the Dum Dum Division, which he joined on the 7th October 1869 before noon.

No. 355.

Notifications.—Private J. Scallard, Overseer, First Grade, joined the Second Division Grand Trunk Road, on the 5th October 1869, afternoon.

No. 356.

Baboo Wamakant Ghose, Probationary Overseer, Third Grade, joined the Sylhet Division on the 22nd September 1869, before noon.

No. 357.

Resignation.—Mr. W. J. Dukes, Sub-overseer, First Grade, attached to the Second Division Grand Trunk Road, resigned his appointment in the Lower Subordinate Establishment with the sanction of Government from the 30th September 1869, afternoon.

No. 358.

The 2nd November 1869.

Transfer.—Baboo Radhica Persaud Mookerjee, Assistant Engineer, First Grade, from the Northern Cuttack Division to the Presidency Circle, as a temporary arrangement.

J. E. T. Nicolls, *Col., R. E.*,
Secy. to the Govt. of Bengal,
P. W. D.

IRRIGATION.

No. 103.

Dated the 23rd October 1869.

ORISSA IRRIGATION WORKS.

Notification.—THE following Rules made by the Lieutenant-Governor under the authority of Section V. of Act VI. of 1869 are promulgated for general information and guidance:—

I. The word "Canal" shall mean any canal, channel or watercourse connected with the Irrigation and Navigation Works, lately transferred to Government by the East India Irrigation and Canal Company.

The words "Revenue Superintendent" shall mean the Chief Officer entrusted with the duty of distributing water from such Canals, assessing and collecting the water-rates, and disposing of suits connected therewith.

The words "Canal Engineer" shall mean the Officer of the Irrigation Branch of the Public Works Department, who shall be in charge of any such Canal or of the Division in which any such Canal is situated.

The words "Superintending Engineer" shall mean the Superintending Engineer for the time being of the Irrigation Circle in which such Canal works are situated.

DISTRIBUTION OF WATER.

II. All cultivators, whose lands shall be within reach of the Canals, shall be entitled to obtain water therefrom, if the same shall be available, in consideration of the payment of the proper Water-rates. All questions as to priority of right to receive water, in the event of the supply not being sufficient for all applicants, shall be determined by the Revenue Superintendent on the general basis of distributing the water in proportion to the cultivation of each applicant, so far as this can be done with due attention to a properly economical use of the water.

III. Cultivators wishing to obtain water must make application for it to the Revenue Superintendent or any persons authorized by him to receive such applications either personally or through some Agent properly authorized to act in their behalf.

IV. No person shall be allowed to act as Agent in behalf of any cultivator in applying for water, excepting his landlord, or some resident cultivator belonging to the same village or some neighbouring village, unless by special authority of the Revenue Superintendent.

V. Every Agent shall be jointly responsible with the cultivators in behalf of whom he acts for the whole of the payments due on account of water supplied on any application made by him, and also for all reasonable expenses incurred in the prosecution of any claim connected with such dues, and for all expenses incurred in the formation or maintenance of water-courses, such as those contemplated in Rules XII. and XIII.

VI. Every application for water shall be made in writing, and in the Form (A) annexed, to the Revenue Superintendent or any person authorized by him to receive such applications.

VII. The Revenue Superintendent or other duly authorized Officer shall comply as speedily as possible, with all such applications. In the event of its being necessary or desirable, in order to comply with such application, to adopt any temporary expedient for raising the level or increasing the supply of water in the Canal, the Revenue Superintendent may call upon the Canal Engineers to carry out such expedient.

VIII. Should the Canal Engineers see any professional objection thereto, or should any difference of opinion arise between the Revenue Superintendent and the Canal Engineers regarding the manner of dealing with any particular application for water, and which involves a professional question, the same shall be referred to the Superintending Engineer for settlement, whose orders shall be final.

IX. Before any water is supplied to an applicant, the Revenue Superintendent, or any person authorized by him, shall cause an Agreement, according to Form B., to be executed between himself and the parties applying for such water. The flow of water *in* all Distributaries will be regulated by the Canal Engineers. The flow *therefrom* will be managed by the Revenue Superintendent and his Subordinates.

X. After such Agreement has been properly executed, the Revenue Superintendent shall attest it, and file the same, and shall deliver a counterpart to the applicant.

MANAGEMENT AND REGULATION OF ALL WORKS OF IRRIGATION CONNECTED WITH THE ABOVE MENTIONED CANALS.

XI. Unless it be otherwise specially agreed in any case, the Government will construct and maintain at the public cost distributing channels for the delivery of water within the lands of every village to which the means of irrigation can be conveniently given by the Canals. The sluices or outlets for supplying water from these channels will also be formed and maintained by the Government, and their positions will be settled by the Canal Engineers in communication with the Revenue Superintendent.

XII. The water-courses beyond these channels must be provided by, and at the cost of, the cultivators or landlords; but if the Revenue Superintendent pleases, he may, at the request of the persons interested, call upon the Canal Engineers to construct such water-courses for them, or assist them in their construction.

XIII. Every such water-course shall be carried out from the distributing channel from which it is fed for a distance of at least 50 feet from the centre of the channel in a direction perpendicular to the channel for a distance of at least half a mile from the main feeding channel. Two water-courses, and no greater number, may be formed side by side, if a space of at least 5 feet shall be preserved between the high water lines of such water-courses. Under all such circumstances, a clear space of not less than 50 feet from centre to centre of all water-courses shall be preserved for the distance of at least half a mile from the main feeding channel.

XIV. Every such water-course shall be liable to be made available for the use of persons not originally interested therein on the order of the Revenue Superintendent, subject to the payment by such persons of a reasonable share in the first cost and maintenance charges of the said water-course, and of all charges incurred for making the same suitable for the use of such persons.

Also, all needful works for the passage of water-courses across roads or natural lines of drainage, or *vice versâ*, shall be provided by the cultivators or landlords constructing or maintaining the same.

XV. A memorandum of Agreement shall be prepared at the time of opening every water-course, stating the shares of the first cost thereof, and of its subsequent maintenance, which shall be borne by the several parties interested in its construction or use, and any general conditions regarding the subsequent use and maintenance of the same; and it shall provide that it may be enforced by the Revenue Superintendent against every party thereto. Every memorandum aforesaid shall contain suitable clauses for giving effect to Rules XIII. and XIV.

XVI. If any question arises regarding the just shares of the first cost or maintenance charges of such water-courses to be borne by the cultivators or landlords, or regarding any changes that should equitably be made in the distribution of any such charges consequent on variations in the interests of the persons using the water-course or the supply of water derived from it, or regarding any other matter concerning the use or maintenance of such water-course, the same shall be enquired into and determined finally by the Revenue Superintendent.

XVII. The Revenue Superintendent may suspend the supply of water to any water-courses in respect to which the above Rules shall not be carried out, or which shall not be kept in proper repair, so long as the default continues.

XVIII. The Revenue Superintendent, as described in these Rules, shall be ex-officio Canal Officer and Collector, as defined in Act XII. of 1866, for works connected with these Canals.

ASSESSMENT OF RATES AND REALIZATION OF THE SAME.

XIX. The following Rates shall be leviable under these Rules:—

Clause 1.—For 1,000 cubic yards of water taken between 15th June and 31st October, Rupee 1.

2.—For 1,000 cubic yards of water taken between the 1st November and the 14th June, Rupees 1-8.

3.—In reckoning the volume of water supplied, it shall be held that a square opening each side of which measures 3 feet, and under a constant mean head-pressure of water of ·35 inches, discharges 1,024 cubic yards in one hour. Any portion of that quantity shall be calculated in sixteenths.

4.—In calculating the charge for water supplied by volume, quantities less than 100 cubic yards shall be disregarded.

XX. Rates according to the area of land irrigated—

Clause 1.—For the full irrigation of a single crop of sugar-cane for the whole period during which it may remain on the ground.	Rupees 6 for each acre.
2.—For the full irrigation of any other produce, and any number of crops raised on the same land during one year when the water is taken for at least one year certain	Rupees 5 for each acre.
3.—For the full irrigation of any single crop which shall remain on the ground for any period not exceeding six months, and for any single crop of Sarud rice which shall remain on the ground for more than six months.	Rupees 3 for each acre.
4.—Special contracts on other terms may be made, in any cases, by the Revenue Superintendent, subject to the confirmation of the Local Government.	

XXI. Every annual lease shall be reckoned from the 1st April to the 31st March following. Leases applied for at any intermediate period of the year will be granted at the same rate as leases for a complete year, but will be considered as valid for the remainder of that year only. Notice of relinquishment of a lease for the ensuing year must be presented on or before the 15th day of March to the person authorized by the Revenue Superintendent to receive such notice. Unless such notice be given, the lease shall be deemed binding for the ensuing year. This is not intended to hinder parties taking out leases, or contracts such as are specified in Clause 4, Rule XX. for longer periods.

XXII. All Water-rates shall be usually payable at the same time as the rent of the land to which the water is supplied, or if the land be rent-free, or if the application under which water is supplied is for land for which the rent is not all payable at one time, then at the customary time for the payment of rent in the district, or at such time or times as shall be determined by the Revenue Superintendent in each case. The time at which the Water-rate is due shall be entered in every agreement made under Rules IX. and X.

XXIII. No person shall be appointed to receive Water-rates as a Farmer under Section VII. of Act VIII. of 1867, other than a landlord or cultivator in the village to which the water is supplied, for which such rates are receivable, excepting with the sanction of Government. Every Farmer will be appointed by the Revenue Superintendent, who will take all the requisite steps in relation to the appointment.

XXIV. Every Farmer of Water-rates shall be bound to pay the same to the Revenue Superintendent in full, without deduction, at the time of the falling due of the last instalment of land revenue payable on account of the land, and the crop on which such water-rates have accrued, or at such other time as may be especially agreed to.

XXV. The Revenue Superintendent shall, from time to time, furnish all Farmers and Collecting Officers of Water-rates with Warrants, showing the sums which such persons are entitled to

collect, whether such sums are charges payable under the terms of any Agreement, or charges fixed under Rule XX., or any additional charges for the use or waste of water otherwise determined under proper authority. Excepting in accordance with such a Warrant, no Farmer or Collecting Officer shall collect any sums as Water rates.

XXVI. If any cultivator shall object to the demand of a Farmer, the question will be determined under Rule XXXIV.

XXVII. No Farmer of Water-rates shall, under any circumstances whatever, be authorized to make any charges for the use of water for irrigation higher than, or in addition to, those specified under these rules; but shall receive from the Revenue Superintendent, in compensation for his trouble and risk, 5 per cent. on the whole sum collected by him, provided he shall pay the whole sum due by him to the Revenue Superintendent on the day appointed for the payment thereof.

XXVIII. Unless it be otherwise specially agreed, every Farmer of Water-rates shall be responsible for the collection and payment of all Water-rates accruing in the village for which he is appointed Farmer, according to the Warrants from time to time issued to him by the Revenue Superintendent.

XXIX. All payments of Water-rates to the Revenue Superintendent made by a Farmer shall be accompanied by the Warrant under which they have been collected, and the sum so paid shall be endorsed on such Warrants as acquittance for the Farmer. The Revenue Superintendent or his Deputies, or the Farmer, as the case may require, shall give to the consumers of water, or other persons chargeable for water, written receipts in the Form (C) annexed, on the payment by those persons of the sums payable by them.

XXX. In the event of any demand for a Water-rate not being paid on or before the day on which the same shall be due, the Revenue Superintendent shall proceed against the person responsible for such payment for the recovery of the amount in the manner prescibed in Act VIII. of 1867. All other charges duly made under these Rules for the recovery of which no special provision may be made, shall be recoverable in the same way as if they were arrears of Water-rate, and all suits connected with the recovery of such arrears of water-rate, or of such other charges shall be cognizable by the Revenue Superintendent only as if he were Collector of a District within the meaning of Acts VIII. of 1867 and VI. of 1869.

XXXI. No person by virtue of his being a Farmer of Water-rates shall have any right to interfere with the flow or distribution of water in any water-course otherwise than is provided by Section X., Act VIII. of 1867.

XXXII. No person shall acquire under any Agreement made under Rules IX. or X, or otherwise, excepting with the special authority of Government, the right to derive any profit from the sale or sub-letting of any water supplied from the Canals, or of the use of such water, and every such sale or sub-letting shall be void, and the full payment for the use of such water shall be claimable by the Government from the purchaser as though such sale or sub-letting had not been made.

XXXIII. All lands irrigated from the Canals shall be constantly inspected by the Revenue Superintendent or his Deputies during every half-year, and the area and nature of crop raised on them ascertained either by actual measurement or by reference to the survey maps and registers; whenever the Agreement under which the water is supplied to any land shall so require, the charge for the water shall be fixed by the Revenue Superintendent according to the area so ascertained.

XXXIV. Any question which shall arise relating to the proper sum to be charged under these rules for the use or waste of water for irrigation shall be decided by the Revenue Superintendent, and his decisions shall be entered in a Register.

XXXV. All questions arising relative to the distribution among the persons interested of the charges for water supplied for irrigation under any Agreement, or any charges whatever otherwise accruing in respect to the use or waste of water supplied to any water-course for irrigation, shall be determined finally by the Revenue Superintendent.

XXXVI. If water supplied to a water-course under an Agreement made as aforesaid, shall flow over cultivated land intentionally or otherwise, such land shall be deemed to have been irrigated. If such water shall flow over or run to waste on uncultivated land, the Revenue Superintendent may charge water-rate on such land at the highest rate chargeable under these rules for a single crop, against the persons responsible for the water-course from which the water shall flow, or the person by whose act such waste arose.

XXXVII. All agreements, when duly attested and filed by the Revenue Superintendent under Rule XIII., shall be held to be Agreements to take and pay for water under Sections VIII. and IX. of Act VIII. of 1867.

XXXVIII. The using of water for irrigation supplied from the Canals without a proper application or Agreement, but with the previous knowledge of the Revenue Superintendent or his Deputies, shall be held to constitute an agreement to take and pay for water under the same Sections.

XXXIX. Under Section XIV. of Act VIII. of 1867, double water-rates will be levied for the use of water without an Agreement.

Remissions.

XL. No claim for a reduction of water-rate shall arise by reason of the stoppage of the supply of water under Rules XVII. or XVIII. on account of waste of water or non-compliance with the conditions under which a water-course is constructed.

XLI. All claims made by, or in behalf of, any cultivator for any remission or reduction of the full water-rate chargeable under these rules by reason of any failure in the regular or sufficient supply of water from the Canals, or any other reasonable cause, shall be made to the Revenue Superintendent, who shall enquire into and proceed to determine the claim. His decision, which shall be final, shall be communicated to the person using the water or making the claim.

XLII. In no case shall any remission be allowed, unless it be proved that an irrigated crop has been injured, or irrigation has not taken place, from some cause beyond the control of the cultivator, and unless the claim be made before any injured crop is removed from the ground.

XLIII. No claim for remission of water-rate shall be allowed on account of any emergent closure of the canals, which takes place without notice, but does not exceed ten days at one time, and which is made after an interval of more than seven days from any previous closure, nor for any ordinary closure for repairs or clearances which takes place after not less than one month's previous notice, and does not exceed one month in duration; provided also that the aggregate of such closures does not exceed one month in any one half-year.

XLIV. Emergent closures thought to be essentially necessary for the safety of the works may be made by the Superintending Engineer, but shall be reported forthwith to the Revenue Superintendent and to Government. Claims for remission for loss arising from such stoppage will not be barred, but shall be duly considered by the Revenue Superintendent and reported to Government. Ordinary closures shall not commence until sanctioned by the Government.

XLV. The Revenue Superintendent or his Subordinates may regulate the flow of water in all water-courses in such manner as shall best provide for the equitable and proper distribution of the supply to the persons using the water, and no partial closures made for this purpose, which shall not cause the flow of water to be reduced to less than one day in any seven consecutive days, shall be held to give any claim to remission of water-rates.

F. H. RUNDALL, *Colonel, R. E.,*
Joint-Secretary to the Government of Bengal,
Public Works Department,
Irrigation Branch.

FORM A.

Application for Water.

To [Vernacular application for water for irrigation.]

OFFICER IN CHARGE OF IRRIGATION.

I

of

Pergunnah

hereby make application for water for irrigation, under the provisions of the published Rules, by which I agree to abide, for the undermentioned land and crops:—

Chowrea number of Land.	Village and Pergunnah.	Canal Distributary or Branch.	Length, Breadth, and area in Acres.	Whether for Rice or other Crop, or for Sugarcane.	Whether for single Crop or on Lease.	Date on or from which Water is required.

Signature of Applicant.

[NOTE.—To be submitted in the Vernacular to the Revenue Superintendent or other properly authorized Officer.]

FORM B.

Nature of Agreement.

DISTRICT OF _____

_____ *Canal.*

Counterfoil of Irrigation Agreement _____

No. of _____

Date _____

Name of Lessee _____

_____

Residence of Lessee _____

_____

Area _____

Rates _____

Description of Crop _____

_____

Total amount payable, Rupees _____

Distributary _____

Branch _____

Term of Lease _____

Deputy Supdt.

FORM B.

Nature of Agreement.

DISTRICT OF _____

_____ *Canal.*

Irrigation Agreement No. _____ *of General Register.*

Distributary No. _____ *Branch* _____

Dated the _____ *day of* _____ 18

I _____ son of _____

_____ and resident of _____

hereby engage to take water for irrigating _____

acres of _____ land situated in the village

of _____, Pergunnah _____

being Lot No. _____ in Village Bhowreea for _____

_____ at the rate of Rupees _____

per _____ total Rupees _____, and I hereby agree to pay the same in the instalments and on the dates named below to the Revenue Superintendent or other duly authorized Officer of Government. I further agree that, if on measurement it shall be found that a greater area of land than that entered on this lease has been irrigated by water obtained under this lease, I will pay for the irrigation of all such excess area at the rate specified in this lease.

Signature of Lessee. _____

1. _____ *Canoongoe or other Govt. Officer.* } Witness.

2. _____

Dates and amounts of Instalments.

YEAR.	MONTH.	DATE.	Rs.	As.	P.

FORM B.

Nature of Agreement.

DISTRICT OF _____

_____ *Canal.*

Counterpart of Irrigation Agreement.

Distributary _____ *Branch No.* _____

Dated the _____ *day of* _____ 18

Lease No. _____ *of General Register.*

Whereas _____

resident of _____

has on the _____ day of _____ 18 agreed to take water for irrigating _____ acres of land situated in the village of _____

_____ Pergunnah _____

being Lot No. _____ in the Village Bhowreea for _____

_____

at the rate of _____ per _____

total Rupees _____, payable as noted below. Now this is to assure him that the water engaged for will be duly supplied to him.

Dates and amounts of Payments.

MONTH.	DAY.	Rs.	As.	P.

_____

Revenue Supdt.

NOTE.—On application being made for irrigation water under Rules II. and III., the Officer receiving the application will cause the Applicant to execute this lease, which will be witnessed, if possible, by the Canoongoe or other Village Officer and himself.

The counterfoil will then be filled up, and the executed Agreement and blank counterpart will be forwarded to the Revenue Superintendent, who will then make the necessary entries in the General Register, and fill up and sign the counterpart lease ready to be given to the ryot on his applying for it.

FORM C.

Receipt for payment of Water-rates for Irrigation.

No. *of Receipt.*

No. *on*

Register No.

Name.

Residence.

Amount *on account of*

Depy. Supdt.

FORM C.

[This Form to be in Vernacular.]

Receipt for payment of Water-rates for Irrigation No.

No. of Register No.	Date of Payment.	Name and Residence.	Amount Paid.			On what account paid.
			Rs.	As.	P.	

NOTE.—This Form of receipt to be used for payments of water-rates. Separate books of receipts to be kept up on each Canal.

[To be kept in the Vernacular by the Officer authorized to collect the water-rates. A duplicate to be sent to Revenue Superintendent.]

No. 104.

The 29th October 1869.

Appointment.—Mr. Charles Fouracres, Assistant Engineer, First Grade, to officiate as Executive Engineer of the Dehree Workshop Division, with effect from the 1st September 1869.

No. 105.

Posting.—With reference to the orders marginally noted, Mr. T. Cromie, Assistant Engineer, First Grade, is placed under the orders of Major Searle in charge of the Nuddea Investigation.

Notification No. 63, dated 10th August 1869.

No. 106.

The 1st November 1869.

Transfer.—Lieutenant G. F. E, S. Neill, R. E., Assistant Engineer, Second Grade, employed on the Nuddea Investigation, to the Cossye Division.

Baboo Bissala Churn Mullick, Overseer, First Grade, from the Orissa Circle, to the Burdwan Division.

ESTABLISHMENT.

No. 107.

The 1st November 1869.

Consequent on the transfer of the East India Irrigation Company's works to Government and in Supersession of all previous orders, the following changes and alterations have been approved by the Government of India, Public Works Department, and will take effect from the 1st current.

There will be three Irrigation Circles of Superintendence in Bengal, and they will comprise the following Divisions :—

Orissa Circle.

1. Mahanuddy Division.
2. Beropa Division.
3. Brahminee Division.
4. Pooree Division.
5. Central Workshop Division.

South Western Circle.

1. Cossye Division.
2. Hidgellee Division.
3. Selye Division (old Tumlook Division.)
4. 24-Pergunnahs Division.

Sone Circle.

1. Dehree Division.
2. Sasseram Division.
3. Baroon Division.
4. Central Workshop Division.

The limits and extent of the above Divisions will be notified hereafter.

No. 108.

The following employés of the late East India Irrigation Company, having accepted employment under Government, have been brought on the Imperial Public Works Establishment in the Grades specified opposite their respective names :—

To be Overseer, Second Grade.

P. Sambiah.
Rughoonath Manty.

To be probationary Overseer, Second Grade.

Mr. G. G. Jaochim.
" J. Richmond.
" F. L. Earnest.

To be Overseer, Third Grade.

C. Ruthmun.
C. H. Doorgia Naidoo.

To be probationary Overseer, Third Grade.

Promothonath Banerjee.
Mr. H. Bathoon.
Baboo Ramloll Comar.
" Bhobanee Churn Mookerjee.

No. 109.

Appointment.—Mr. N. Andrews, is appointed to the Public Works Department, Irrigation Branch, as a Probationary Overseer, of the Second Grade, and posted to the Orissa Circle, with effect from the 1st May 1869.

No. 110.

Notification.—Mr. P. B. Roberts, Assistant Engineer, Second Grade, relieved Mr. T. B. Stoney, Executive Engineer, Fourth Grade, of the Executive charge of the Gunduck Embankment Division, on the forenoon of the 13th October 1869.

No. 111.

Notification.—Mr. T. Martin, Executive Engineer, First Grade, made over charge of the Tumlook Division, to Mr. A. J. Hughes, Executive Engineer, Fourth Grade, on the forenoon of the 25th October 1869.

F. H. RUNDALL, *Col., R. E.,*
Joint-Secy. to the Govt. of Bengal,
P. W. Dept., Irrigation Branch.

Statement shewing the importation of Salt (private property) in Bond and Afloat on River Hooghly, subject to Customs' duty on the 1st November 1869.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In Mds.	In Mds.	In Mds.	In Mds.
Liverpool Pungah ...	17,65,187	5,750	2,13,888	19,84,825
French Kurkutch ...	23,767	.....	19,829	43,596
Ceylon " ...	88,348	.....	1,750	90,098
Bombay " ...	2,16,013	.....	24,004	2,40,017
Kurrachee " ...	18,672	.....	...	18,672
Madras " ...	1,21,930	.....	24,764	1,46,694
Arabian and Persian Gulf's Kurkutch and Muscat Rock ...	60,255	9,940	3,12,294	3,82,489
Total ...	22,94,172	15,690	5,96,529	29,06,391

J. A. CRAWFORD,
Collector of Customs.

CALCUTTA CUSTOM HOUSE,
The 2nd November 1869.

(F)

No. 4652C.

Notification.

BOARD OF REVENUE.

Fort William, the 4th October 1869.

NOTICE is hereby given that the Provision Opium to be brought forward for sale by Public Auction in the year 1870 will consist of 25,800 chests of Behar and 22,200 chests of Benares Opium, being of the three seasons 1865-66, 1868-69, and 1869-70, in the proportions marginally noted.

		Chests.
Behar.		
Reserve of 1865-66 ...	1	
Supply from 1868-69 ...	25,244	
Ditto 1869-70 ...	555	
		25,800
Benares.		
Reserve of 1865-66 ...	1	
Supply from 1868-69 ...	21,650	
Ditto 1869-70 ...	549	
		22,200
Total ...		48,000

The reserve of one chest of Behar and one chest of Benares Opium of 1865-66 will be first sold, and will form a part of the quantity to be sold in January 1870; and 555 chests of Behar and 549 chests of Benares Opium of the Provision of 1869-70 will be sold in December 1870 after the sale of the Opium of the previous season.

The sales will be held on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates should circumstances render it expedient to do so:—

Dat		Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Friday,	14th Jan. 1870	2,150	1,850	4,000
On or about Friday,	11th Feb. ,,	2,150	1,850	4,000
On or about Monday,	14th Mar. ,,	2,150	1,850	4,000
On or about Wednesday,	13th April ,,	2,150	1,850	4,000
On or about Monday,	16th May ,,	2,150	1,850	4,000
On or about Wednesday,	15th June ,,	2,150	1,850	4,000
On or about Thursday,	14th July ,,	2,150	1,850	4,000
On or about Monday,	15th Aug. ,,	2,150	1,850	4,000
On or about Monday,	12th Sept. ,,	2,150	1,850	4,000
On or about Friday,	14th Oct. ,,	2,150	1,850	4,000
On or about Monday,	14th Nov. ,,	2,150	1,850	4,000
On or about Thursday,	15th Dec. ,,	2,150	1,850	4,000
	Total ...	25,800	22,200	48,000

The following are the Conditions of Sale:—

1. The Opium will be sold for exportation by sea only, and no Certificate will be granted except to cover such export.

2. The Opium will be ordinarily offered for sale at an upset price of Rupees 800 per chest, and sold to the highest bidder above that price, except under the circumstances for which provision is made by Clause 12th of these Conditions of Sale.

3. The sale shall commence at the hour of 11 A. M. of the day fixed by previous notification, and shall not be continued after the hour of 5 P. M.; but if at that hour any of the lots advertised for sale shall remain unsold, the sale may, at the discretion of the Board of Revenue, be resumed on the next day following (not being Sunday or a public holiday) at the hour of 11 A. M., and so on until the whole of the remaining lots are disposed of, or, if the whole quantity advertised shall not be sold on the day appointed, the Board may dispose of the lots which remain on hand at a future sale.

4. Each lot shall contain five chests.

5. A Promissory Note for a sum calculated according to the scale noted in the margin shall be taken as a deposit on each lot from the purchaser in the sale-room, and before the lot is registered in the sale book, and all such Promissory Notes shall be redeemed on the part of the purchasers at this Office by Bank of Bengal receipts, or by substitution of other public securities of the Bengal Government, on or before 4 o'clock in the afternoon of the fifth day after the sale, or on the other hand, failing such redemption by the time aforesaid then the lot or lots for which no Bank of Bengal receipts, or deposit of other public securities as aforesaid shall have been delivered in, shall be re-sold at such time or times and under such conditions of re-sale as the Board of Revenue shall see fit, and all losses and expenses whatsoever attending such re-sale shall be borne and paid by the defaulters, whilst any profit accruing from such re-sale shall be forfeited to Government.

DEPOSIT.

When the amount bid is less than Rs. 1,200 per chest, Rs. 200 per. chest.
On bids of Rs. 1,200 and upwards, but less than Rs. 1,600 per chest, Rs. 300 per chest.
On bids of Rs. 1,600 and upwards, but less than Rs. 2,000 per chest, Rs. 400 per chest.
And so on, Rs. 100 being added to the deposit for every bid additional to the extent of Rs. 400.

6. The Promissory Notes taken on the day of sale under the last mentioned condition, if remaining unredeemed at 4 o'clock of the fifth day following the day of sale, will be placed in the hands of the Solicitor to the Government for realization in such manner as to him shall seem fit.

7. No tender of money, Bank of Bengal receipts, or public securities, on account of Opium, upon which the prescribed deposit may not have been made before 4 o'clock of the fifth day following the day of sale, will be afterwards accepted.

8. The Opium advertised for sale shall be paid for within fifteen clear days from the day of sale, and in case any lots of such Opium shall not be so paid for and adjusted, then the cash deposit made under the fifth condition, or any public securities that may have been deposited on account of such lots or chests shall be forfeited, and the Opium shall be disposed of on account of Government at such time and in such manner as the Board of Revenue shall think fit, and the first purchaser shall further be required to make good any loss or difference of price between that obtained at the re-sale and the amount at which the Opium was first purchased, forfeiting all advantages that may arise from such re-sale.

9. Purchasers taking out Certificates or Orders for the delivery of Opium, after making full payment as above prescribed, shall have the option of naming the number of lots of their purchase, which they may desire to be included in each Certificate or Order, and it is to be clearly understood that the Certificates or Orders so taken out shall be considered final, and not afterwards changeable for other Certificates or Orders authorising the delivery of single lots, or of a different number of lots or chests, whether more or less than the number of lots or chests originally required to be included in each Certificate or Order.

10. No deposit of public securities under the fifth of the present Conditions will be received in this Office, except from the party recorded as the purchaser in the sale book, or his authorised Agent. The receipt for deposit of public securi-

ties will be granted only in the name of such purchaser, and the securities so deposited will be returned when payment in full has been made by the said purchaser or his order.

11. The Officer superintending the sale on the part of the Board of Revenue is empowered to reject, at his discretion, the bid of any individual, unless such individual shall, on demand, tender at the time a deposit either in Government of India Notes, Bank of Bengal receipts, or Government securities, a sum equal to the amount for which a Promissory Note would otherwise be taken under the fifth of these Conditions.

12. With a view to prevent fictitious biddings designed to obstruct the sale, it is hereby notified that the Officer of Government superintending the sale shall be competent, at any time during the sale, to withdraw any unsold lot, and immediately to put it up again for sale at a maximum upset price diminishing the same gradually until a bid is obtained, and the first *bonâ fide* bidder for a lot after it has been offered for sale in the mode here described shall be held and declared to be the purchaser of the said lot, and the Officer of Government superintending the sale shall also be competent to dispose, in the same manner, of as many of the subsequent lots as he may think proper, provided always that no lot shall be sold below the minimum price of 800 Rupees specified in the second of these Conditions.

13. The purchaser of any lot shall have the option of naming and purchasing in immediate succession, at the same price and under the same conditions, any number of lots of the same Agency Opium not exceeding altogether twenty-five lots, provided always that there remain a sufficient number of lots of the Opium to complete the said twenty-five.

14. In the event of any dispute or difference touching or concerning any matter or question arising out of the sale of the Opium included in this Notification, or adjustment of the account thereof, the same shall and may be tried and decided in the High Court of Judicature at Fort William in Bengal.

15. The following papers will be exhibited for inspection on the day of sale, or may be seen previously to that date by application at the Office of the Junior Secretary to the Board of Revenue:—No. 1, Certificate of the Opium advertised for sale. No. 2, Report of the examination of such Opium.

16. The public are hereby informed that in providing the investment of the Behar and Benares Opium for the year 1868-69, the same precautions have been taken as those which have been observed during past years, to have the drug procured and sent down in a pure state, to have only the prescribed quantity of leaves used in forming the cakes, and to have the due proportion of Opium put into each cake. An account of the weight of the drug when packed at Behar and Benares, and a statement of the average weight of the chests, indiscriminately taken for the purpose of comparison from the despatches on arrival at Calcutta, may be seen on application at the Office of the Junior Secretary to the Board of Revenue.

17. Any further information respecting weight or quality of the Opium advertised for sale that may be desired by parties connected with the trade, will, as heretofore, be furnished to them on application at the Office of the Board of Revenue. But, in accordance with established usage, under no circumstances will the Board entertain or recognise any claim to compensation for loss from any alleged deficiency of weight, abstraction of Opium or adulteration of the drug, which may be preferred on reference to chests, after the sale and delivery of the Opium for shipment.

18. It is hereby further notified that, under the 6th Article of the Convention between Great Britain and France, dated the 7th March 1815, quoted below, the Agents of India in the French Government, or persons duly appointed by them, are entitled to demand, that out of the quantities of Behar and Benares Opium declared as above for sale at the twelve sales of the year 1870, there shall be delivered to them, at the average of the particular sale or sales to which the Opium so applied for may belong, a quantity not exceeding in the aggregate 300 chests, and the Agents of the French Government must make requisition specifying the quantity of Opium required by them at any particular sale, within thirty days from the advertisement of such intended sale, provided, however, that the Agents of the French Government may make such requisition for the whole quantity within thirty days from the publication of this notification. If the Agents of the French Government shall not make the requisition for Opium within the time above mentioned, the entire quantity of about 48,000 chests of Behar and Benares as above estimated, will be brought to sale in the usual manner, and if they shall make application for a quantity of Opium to be delivered to them out of the quantity advertised for sale at each or any of the twelve sales abovementioned, but shall not pay for it within the prescribed period of payment, the Government of Bengal reserves to itself the right of disposing of the Opium which the French Authorities may so fail to pay for, either by increasing the quantity reserved at the sale next ensuing the date of payment, or by selling it at a sale to be held expressly for the purpose.

		Chests.
Behar	...	25,800
Benares	...	22,200
Total		48,000

Article of the Convention above referred to:—

Article VI.—"With regard to the trade in "Opium, it is agreed between the high contracting parties that at each of the periodical sales of "that article, there shall be reserved for the French "Government, and delivered upon requisition duly "made by the Agents of His Most Christian "Majesty, or by the persons duly appointed by "them, the number of chests so applied for, provided that such supply shall not exceed three "hundred chests in each year, and the price for "the same shall be determined by the average "rate at which Opium shall have been sold at every "such periodical sale, it being understood that, "if the quantity of Opium applied for at any one "time shall not be taken on account of the French "Government by the Agents of His Most Christian Majesty, within the usual period of delivery, "the quantity so applied for shall nevertheless "be considered as so much in reduction of the "three hundred chests hereinbefore mentioned. "The requisitions for Opium as aforesaid are to be "addressed to the Governor General at Calcutta, "within thirty days after notice of the intended "sales shall have been published in the *Government Gazette.*"

By order of the Board of Revenue, L. P.,

R. L. MANGLES,
Offg. Junior Secretary.

(F)

Opium Notification.

NOTICE is hereby given that the Eleventh Sale of Opium, the Provision of 1867-68, will be held at the Exchange Hall, on Friday, the 5th November 1869, at 11 A. M., and will comprise 3,745 Chests, *viz.*:—

		Chests.
Behar Opium	...	2,200
Benares „	...	1,545
Total Chests	...	3,745

2. The General Conditions of the Sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 9th October 1868, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 10th and 20th November respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room, will be received after 4 P. M. of Wednesday, the 10th November 1869, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Saturday, the 20th November 1869.

4. In addition to the quantity above advertized for sale, the following quantities, more or less, of Behar and Benares Opium, will be brought to sale in the present year on or about the dates specified below. The Board, however, reserve to themselves the right of altering these dates, should circumstances render it expedient to do so:—

	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 6th Dec. 1869 ...	2,195	1,525	3,720

By Order of the Board of Revenue, L. P.,
R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 28th September 1869. (F)

Notice.

THE Singbhoom Annual Fair will be held as usual at Chyebassa during the last fortnight in December 1869.

(Sd.) E. G. LILLINGSTON,
Offg. Dy. Commr., Singbhoom.

CHYEBASSA,
The 30th September 1869. (F)

Notice.

THE Cachar Mela will, as usual, be held at Silchar, commencing on Thursday, the 30th December 1869, corresponding with 16th Pous 1276, and continuing for as many days as considered necessary.

J. W. EDGAR,
Offg. Depy. Commissioner.

CACHAR DEPY. COMMR.'S OFFICE,
The 25th October 1869. (F)

No. 4917C.

Opium Notification.

NOTICE is hereby given that the Twelfth, or last Sale of Opium, the provision of 1867-68, wil be held at the Exchange Hall, on Monday, the 6th December 1869, at 11 A. M., and will comprise 3,720 Chests, *viz.*:—

		Chests.
Behar Opium	...	2,195
Benares „	...	1,525
Total Chests	...	3,720

2. The general Conditions of the Sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 9th October 1868, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 11th and 21st December, respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room, will be received after 4 P. M. of Saturday, the 11th December 1869, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Tuesday, the 21st December 1869.

By Order of the Board of Revenue, L. P.,
R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 2nd November 1869. (F)

Notice.

No. 4876C.

SEALED TENDERS for the cartage of the Government Opium from the Railway Station at Armenian Ghât to the Opium Godowns, and for the supply of coolies to load and unload the carts and stack the chests in the said Godowns, will be received at the Board's Office up to 2 P. M. of Thursday, the 11th proximo.

2. The tenders must be separately made for carts and coolies: the former must state the rate per cart, and the number of chests that each cart will load; and the latter, the rate per hundred chests for loading and unloading the carts and stacking the chests.

3. A deposit of Rupees 1,000 will have to be made in respect of each successful tender, by way of security, for the due fulfilment of the contract.

4. The Board reserve to themselves the right to reject any tender, without assigning any reason for doing so.

By Order of the Board of Revenue, L. P.,
R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 29th October 1869. (F)

Notification.

DEPUTY COLLECTOR BABOO PROTAP CHUNDER CHATTERJEE is placed in charge of the Shahabad Treasury, and is authorized to draw Bills on other Treasuries.

R. P. JENKINS,
Commissioner.

PATNA COMMR.'S OFFICE,
The 29th October 1869. (F)

Revenue Survey Department.

No. 7.

Transfer.—Mr. A. LANE, Probationary Surveyor, Fourth Grade, from the 1st Division, Oudh, to the 5th Division, Lower Provinces, with effect from the 1st proximo.

D. C. VANRENEN, *Lieut.-Col.*, R. A.,
for Supdt. of Revenue Surveys, Upper Circle.

CALCUTTA,
The 25th October 1869. (F)

Revenue Survey Department.

No. 9.

Appointment.—MR. ALEXANDER CHRISTIE LOW to be Probationary Surveyor of the 4th Grade in the 4th Division, Revenue Survey, Lower Provinces.

D. C. VANRENEN, *Lieut.-Col.*, R A.,
Supdt. of Revenue Surveys, Lower Circle.

CALCUTTA,
The 27th October 1869. (F)

Revenue Survey Department.

No. 10.

Transfer.—Mr. E. J. Jackson, Assistant Superintendent of Revenue Survey, Second Grade, from the 2nd Division, Central Provinces, (doing duty in Head Quarters' Office, Calcutta, from 26th May last,) to the 5th Division, Lower Provinces, with effect from the 1st proximo.

D. C. VANRENEN, *Lieut.-Col., R. A.*,
Supdt. of Revenue Surveys, Lower Circle.

CALCUTTA,
The 28th October 1869. (F)

Gilchrist Scholarship Examination.

NOTICE.

WITH reference to the Government Notification dated the 12th December 1868, published in the *Calcutta Gazette* of the 16th idem, page 2044, it is hereby notified that the next Examination for the Gilchrist Scholarships will be held on the 18th January 1870, at the Presidency College, Calcutta. Candidates must apply to the Director of Public Instruction, Bengal, before the 31st December 1869.

W. S. ATKINSON,
Director of Public Instruction.

DARJEELING,
The 17th September 1869. (F)

Ecclesiastical.

THE REVEREND CHARLES EDWARD WHEELER, Junior Chaplain, and the REVEREND HEWETT LINTON, Minister, have been appointed by the Lord Bishop Surrogates in this Diocese for granting Episcopal Licences of Marriage.

AUGUSTUS STEWART,
Offg. Registrar and Secretary.

CALCUTTA,
The 26th October 1869. (F)

STATEMENT shewing the quantity of Salt in Store available for exportation on private trade at each of the several Ports of Export in the undermentioned Districts:—

Name of District.	Ports at which Salt is generally available for export on private trade.	Quantity remaining in store actually available for export on the 16th September 1869.	REMARKS.
		Indian Mds.	
Ganjam ...	Bavanapadu, at the Nowpadah Salt Pans ...	1,00,000	
Godavery ...	Coconada ...	44,600	
Kistna ...	Nizampatam ..	42,000	
Nellore ...	Iskapalli ...	59,056	
Madras ...	Madras ...	...	
	Ennore ...	2,30,406	
	Covelong ...	.....	
South Arcot ...	Merkanum ...	42,000	
Tanjore ...	Cuttumavady	30,000	*Provided shippers are willing to export thence.
	*Vedarniam...	60,000	
Tinnevelly ...	Tuticorin ...	2,00,000	
	Total ...	8,08,062	

N. B.—Salt for export will be supplied by Government at the rates specified in the Notifications, dated 21st March 1868 and 22nd April 1869, published at pages 737, FORT ST. GEORGE GAZETTE, dated 24th March 1868, and 637, dated 27th April 1869.

J. G. GROSE,
Sub-Secretary.

REVENUE BOARD OFFICE;
Madras,
The 4th October 1869.

PUBLISHED for general information.

By Order of the Board of Revenue, Lower Provinces,

R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 26th October 1869. (F)

Calcutta Municipality.

A Special Meeting of the Justices of the Peace for the Town of Calcutta will be held at the Town Hall, on Thursday, the 11th November 1869, at 10-30 A. M., for the following purpose:—

1. The Chairman to submit, for sanction and adoption, a scheme for the disposal of the night soil of the Town, as recommended by the Committee of Justices for Drainage and Conservancy.

2. The Chairman to submit for sanction proceedings of the Committee of Justices for Drainage and Conservancy, recommending the Justices to undertake the thorough drainage of the area bounded on the North by Colootollah Street; South by Bow Bazar Street; East by College Street; and West by Chitpore Road.

3. The Chairman to submit for consideration report of the Special Committee appointed by the Justices at the Quarterly Meeting held on the 25th October, for the revision of the Municipal Budgets for the year 1870, and to move—

"That the Budgets of Income and Expenditure, "as prepared by the Special Committee, be "approved of and passed."

ROBERT TURNBULL,
Secy. to the Justices.

CALCUTTA,
The 1st November 1869. (152—1)

RETAIL PRICES OF FOOD AS REPORTED TO GOVERNMENT DURING THE WEEK ENDING 30TH OCTOBER 1869.

Number of Seers of 80 Tolahs weight retailed for a rupee.

AT	Date of Return from each District.	Cleaned Rice in Ordinary use.			Pulses in Ordinary use.			Wheat.		Attah.		Janera, Jowar and such Grains.	
		Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
Districts in which the prices are same or nearly the same.													
Durrung ...	18th Oct. 1869	8	32	16	10	18	13	16	12	8	5	*	*
Nowgong ...	25th ,,	10	12	16	20	16	25	12	*	6	4	*	*
Purneah ...	9th ,,	13	42	16	10	30	20	30	15	20	9	40	25
Deoghur† ...	18th ,,	6	30	16	10	16	8	18	12	16	9	*	*
Rajmehal ...	25th ,,	15½	40	21	9	35	13	39	13	25	9½	60	32½
Beerbhoom ...	23rd ,,	16½	27	19½	*	30	20	24	11¼	15	8	68	42
Hooghly ...	25th ,,	12	17½	16	7	21	15	16	11½	9	8½	17½	10½
Howrah ...	25th ,,	13	19	16	14	19	19	15	13	10	9	*	*
Midnapore ...	23rd ,,	13	24	16	11	17	13	11	10	10	7	*	*
Bullooah ...	25th ,,	14	19	16	6	20	10	*	*	5	5	*	*
Chittagong† ...	11th ,, / 18th ,,	12,12½	20	18	6¼	13	13	16	9	10	7	*	*
Tipperah ...	24th ,,	16	23¾	21¼	8	20	14	12	11¼	6	5⅛	*	*
Singbhoom ...	25th ,,	16	30	24	16	24	22	15	14	10	10	*	*
Pooree† ...	18th ,,	17 1/16	39⅜	21	13½	23⅜	14 7/16	21	5¼	15¾	3¼⅜	*	*
Backergunge ...	23rd ,,	14½	23	18	7	20	16	*	14	*	6½	*	*
Cachar ...	25th ,,	14½	28	16 1/16	10⅝	13	11⅜	12	13 7/16	5¾	5⅝	*	*
Furreedpore ...	24th ,,	10	21	16	25	26	26	22	*	8⅛	6½	*	*
Mymensingh ...	25th ,,	15	25	19	10	25	16	10	16	8	8	*	*
Gya† ...	25th ,,	12½	27	12¾	11	32	12	27	12	22	9½	28	21½
Chumparun† ...	16th ,, / 23rd ,,	24	24	28,26	10	24	11	28	15	17	11	56	16
Tirhoot ...	23rd ,,	14	27	19	10	25	11	24	13	18	10	45	32
Bograh ...	25th ,,	15	32½	22	8	17	12	30	13	12	6½	*	*
Dinagepore ...	24th ,,	17	25	24¼	8	16	13	15¼	12	11	10½	*	*
Rajshahye† ...	12th ,, / 19th ,,	12	18	18⅜	6	10	12	12	12¾	7⅛	8¼	*	*
		12	13½	18¾	6	10	12	12	13½	7⅛	8¼		
Districts in which all or most articles are dearer.													
Kamroop ...	24th Octr. 1869	12	25	16	5	20	16	20	13	8	4	*	*
Bhauguipore ...	24th ,,	12⅜	31½	15½	11⅜	47 1/16	12⅝	27¾	13¼	20 3/16	11⅜	50½	26½
Monghyr† ...	20th ,,	12	30	18	*	35	11	33	13	25	10	40	27
Deoghur† ...	25th ,,	6	30	15	10	16	8	18	11¼	16	8	*	*
Godda ...	23rd ,,	12	28	15	9	26	11	26	12	16	8	50	40
Nya-Doomka ...	25th ,,	14	24	15	12	16	14	20	10	12	7	60	45
Calcutta ...	30th ,,	9	15½	14½	9⅜	17	14⅝	13½	11 7/16	9	8	*	*
Gya† ...	18th ,,	12	24	12⅜	11	32	12	28	12	22	9½	29	21½
Patna ...	22nd ,,	14	21 1/16	16	8	22	11	16⅜½	11½	14 1/16	9	29 1/16	26
Saran ...	24th ,,	12	25	14	9	35	11¼	28	10	24	8	40	26
Shahabad ...	25th ,,	8½	24	15	8	24	9	23	11½	18	9	30	22
Moorshedabad ...	31st ,,	12½	23⅜	18⅞	8⅜	26	16	22½	12½	13⅜	8½	27½	*
Districts in which all or most articles are cheaper.													
Seebsaugor ...	16th Octr. 1869	5	12	12	5	6	6	10	10	5	5	*	*
Hazareebaugh ...	23rd ,,	10	25	21	6	30	30	20	11	16	8	50 / 96*a*	36 / 39*a*
Manbhoom† ...	22nd ,,	16	26	28	11	20	20	15	12½	13	14	55	50
Pooree† ...	25th ,,	19 1/16	39⅜	23⅜	13⅜	23⅜	14 7/16	21	5⅞	15¾	4¼	*	*
Decca ...	25th ,,	14	40	16	15	19	18	11	12	6	7	*	*
Pubna ...	24th ,,	17	24	21	6	32	13½	19¼	10	12	6½	*	*
Rungpore ...	25th ,,	15	23⅜	22½	6½	18	11 13/16	24⅜	11¾	12⅜	6 3/16	*	*
Districts in which some articles are dearer and some cheaper.													
Gowalparah ...	25th Octr. 1869	13	17	17	12	16	13	17	17	8	7½	35	35
Monghyr† ...	13th ,,	12	30	18	*	35	11	35	14	25	10½	40	28
Bancoorah ...	23rd ,,	14½	26¼	22	14¼	15	12½	15	11⅜	11¼	8⅜	34	35
Burdwan ...	30th ,,	18	28½	19⅜	8½	22⅜	17½	15¾	12¼	12	8½	*	*
Manbhoom† ...	15th ,,	16	26	28	12	36	20	15	12	10	8	55	50
Balasore ...	25th ,,	16	32	26	8	16	18	14	9	16	6	*	*
Cuttack ...	25th ,,	15⅜	23¼	23 5/16	14 7/16	23⅜	23⅜	15½	6¼	10½	4 3/16	*	*
Jessore ...	25th ,,	8	22	18½	8	21	16	13 1/16	10	8	7	*	*
Nuddea ...	25th ,,	12 1/32	23¼	20	8⅜	33 1/16	18 9/16	15⅜	11 1/16	10⅜	7 3/32	*	*
24-Pergunnahs ...	25th ,,	13½	7½	16	6½	20	17¼	13	11 1/16	8	8½	*	*
Maldah ...	25th ,,	17	27	18	13	40	12	29	13½	19	10	*	*
Darjeeling ...	25th ,,	8	11	10	5½	6	5½	10	8	8	8	22	20

* Information not supplied.
† Both returns were received during the week under report.
a Price of Mahooa.

PUBLISHED for general information.

FORT WILLIAM,
The 2nd November 1869.

H. S. BEADON,
Offg. Under-Secy. to the Govt. of Bengal. (F)

NOTICE

Is hereby given that the charge for landing Cargo from Ships at the Jetties will be as detailed in the annexed Schedule.

Every Ship unloading at the new Jetties will be charged Rupees 10 per diem, if moored at a single Crane ; and Rupees 16 per diem, if moored at a double Crane Jetty.

SCHEDULE

Of charges to be paid by Owners, Importers, and Consignees for Goods landed at the Jetties, and for their removal (when not cleared within the prescribed time) to the Custom House :—

	Landing charges at the Jetties.	For removal of Goods not claimed within 24-hours to the Custom House.
	Rs. As. P.	Rs. As. P.
Piece Goods and Twist, bales and cases	0 6 0	0 3 0
Canvas, Twine, and Stationery, bales and cases	0 7 0	0 3 6
Other dry Goods not enumerated, in cases 1 to 2 dozens	0 2 0	0 1 0
Ditto ditto ditto 3 „ 4 „	0 3 0	0 1 6
Ditto ditto ditto 6 „	0 5 0	0 2 6
WINES, SPIRITS, AND BEER—		
Butts or Pipes	0 12 0	0 6 0
Hogsheads	0 8 0	0 4 0
Quarter Casks	0 3 0	0 1 6
Cases 1 to 2 dozens	0 2 0	0 1 0
„ 3 „ 4 „	0 4 0	0 2 0
„ 6 „	0 5 0	0 2 6
„ 12 „	0 8 0	0 4 0
Above 12 „	0 9 0	0 4 6
Bottled Beer, casks 3 dozens	0 3 0	0 1 6
Ditto ditto 4 „	0 4 0	0 2 0
GLASS AND EARTHEN-WARE—		
Large Casks	0 14 0	0 7 0
Ditto Crates	1 2 0	0 9 0
Smaller ditto	0 10 0	0 5 0
Empty bottles ditto	0 7 6	0 3 9
Ditto mats	0 10 0	0 5 0
Hogsheads	0 14 0	0 6 0
Smaller, ditto	0 6 0	0 3 0
Cases 12 dozens	0 14 0	0 7 0
„ 6 „	0 10 0	0 5 0
„ 3 „	0 5 0	0 2 6
HARDWARE—		
Casks, large	1 0 0	0 8 0
Hogsheads	0 12 0	0 6 0
Quarter casks	0 8 0	0 4 0
Cases 1 to 2 dozens	0 3 0	0 1 6
„ 3 „ 4 „	0 6 0	0 3 0
„ 5 „ 6 „	0 12 0	0 6 0
„ 7 „ 12 „	1 0 0	0 8 0
Sheathing Copper, per cwt.	0 3 0	0 2 0
Brazier's „ „ „	0 3 0	0 2 0
Rollers of Lead	1 12 0	0 14 0
Iron ...		
Spelter ...		
Copper tiles ... } Per 100 maunds	5 0 0	3 0 0
Pig Iron ...		
Lead Ingots ...		
Keg or Tub of Steel	0 2 6	0 1 6
Boxes of Tin Plates	0 2 6	0 1 6
Samples	0 1 0	0 0 6
PAINTS—		
Kegs 28 lbs.	0 1 0	0 0 6
„ 56 „	0 2 0	0 1 0
„ 112 „	0 4 0	0 2 0
„ 224 „	0 5 0	0 4 0
Nails same as above for Paints.		
Rangoon Cotton, bales	0 4 0	0 2 0
Pitch and Tar, in barrels	0 6 0	0 3 0
Ditto in hogsheads	0 8 0	0 4 0
Boxes of Window Glass	0 4 0	0 2 0
Cutch, per 100 maunds	5 0 0	0 10 0
Copper Cash, per bag	0 4 0	0 2 0
Cases of Hams	1 4 0	0 10 0
Salted provisions, hogsheads ... ... }	0 10 0	0 5 0
Ditto barrels ... ... }		0 1 3
Bundles of Shovels	0 2 6	0 4 0
Ditto of Electric Wire	0 6 0	0 8 0
Casks of Rice Bowls	1 0 0	3 0 0
Betelunts, per 100 bags	5 0 0	
All other Goods in proportion.		

By Order of the Chief Customs Authority,

J. A. CRAWFORD,
Collector of Customs.

The 1st November 1869.

(F)

NOTICE.

LIST of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1869, July 7th ...	1 Case, Captain Oldfield, 9th Battalion Cavalry, Mean Meer. care of Kettlewell, Bullen and Co. ...	Str. Mooltan.
Sept. 9th ..	1 Parcel, [E T] J S ...	Tenasserim.
„ 9th ..	1 Parcel, D N D, B P ...	Ditto.
„ 14th ...	293 Cases, D. P. and Co., J G S ...	Sumroo.
Aug. 27th ..	12 Cases, W C C ...	Ditto.
„ 10th ...	1 Package, D B, C O ...	Str. Meinam.

CALCUTTA CUSTOMS,
The 2nd November 1869.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section 57 of Act VI. of 1863 :—

Date of Sale.	Mark or Address of Packages.	Ships.
1869, Nov. 13th ...	6 Packages, [D] ..	Benton.
„ 13th ...	195 Cases, [D N D P] ...	Ditto.
„ 13th ..	1 Case, (empty) [M N M and G P M] P S ...	Ditto.
„ 13th ...	1 Chair, no mark ..	Str. China.
„ 13th ...	1 Parcel, S. and C., 112-13 ...	Ditto.
„ 13th ..	2 Trusses, C, 2 and 10 ..	British Nation.
„ 13th ...	1 Parcel, Huber and Co., 799-832 ...	Wiltshire.
„ 13th ...	1 Parcel, [D] K C, Ker, Dodds and Co. ...	Ditto.
„ 13th ...	1 Parcel, Sunn ...	Ditto.
„ 13th ...	1 Cask, no mark ...	Unknown.
„ 13th ...	15 Quarter Boxes Gunpowder, Moyapore Magazine, B. L. and Co., 457-67,477-80, Calcutta ...	Carnarvon Castle.
„ 13th ...	40 Quarter Barrels Gunpowder, Moyapore Magazine, W. H. and Co., 1-40 ...	Ditto.
„ 13th ...	1 Cask, Y. G. and Co., 2792 ..	British Statesman.
„ 13th ...	1 Parcel, [J F C] ...	Saint Kilda.
„ 13th ...	4 Bales, P L ..	Arratoon Apcar.
„ 13th ...	1 Case, X ...	Ditto.
„ 13th ...	1 Bag, V M ...	Bushier.
„ 13th ...	1 Truss, 2 and 12 ...	Iron Side.

CALCUTTA CUSTOMS,
The 2nd November 1869.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

	Calcutta.			
1869, Nov. 30th ...	C and C, H. S. K. and Co., 1 Cask.			
	India.			
1869, Nov. 24th ...	[J F C] 2 Parcels.			
	British Statesman.			
1869, Dec. 4th ...	[23] W, 222, 1 Case	...S O S, 349, 1 Case	...	C W W, 16 Casks.
„ 4th ...	W W W D, 1 Crate	...[L E V J] [L] Kettlewell, Bullen and Co., 1 Parcel.		
	City of Seringapatam.			
1869, Dec. 7th ...	Mackinnon, Mackenzie and Co., 1 Case.			
	Sumroo.			
1869, Dec. 12th ...	W O C, 24 Cases	... [8] C 9, 1 Case.		

CALCUTTA CUSTOMS,
The 2nd November 1869.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE undermentioned Packages, landed under Section 52 of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section 56 of Act VI. of 1863 :—

	Benton.	
1869, Nov. 12th ...	[D N D P] 15 Packages.. J, 590 bundles of Rod Iron	
	Rooparell.	
1869, Nov. 13th ..	No mark, 10 Barrels.	
	British Nation.	
1869, Nov. 12th ...	[D N D P] 82 Packages.,. [D N D] 2 Casks.	

CALCUTTA CUSTOMS,
The 2nd November 1869.

J. A. CRAWFORD,
Collector of Customs.

(F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 3,000 acres, more or less, situated in Rungli Rungliot, known as Tanoom Mundul's Land at Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Rungjo Jhora.

South.—Land belonging to Mr. W. Lloyd.

East.—Government Forest Land.

West.—Straight line to Rungjo Jhora at right angles to the ridge so as to give an area of 3,000 acres. (F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 1,460 acres, more or less, situated in Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Truetler's Land.

South.—Government Forest Reserve.

West.—The Portong or Mungha River.

East.—The Balasun River. (F)

Notice

Is hereby given that the undermentioned lot of Waste Lands, estimated to consist of about 72 acres 2 roods and 20 poles, more or less, situated in Mouzah Captainpur, Pergunnah Rupaibali, Zillah Cachar, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by auction to the highest bidder above the upset price of Two Rupees and Eight Annas per acre, on the second day of December 1869, at the Office of the Deputy Commissioner of Cachar, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863 :—

Boundaries.

East—Settled lands of Pattah, No. 81, belonging to Mohun Sing and others.

West and South.—Settled lands of Mouzah Captainpur.

North.—Boundary of Mouzah Beienakandy. contained in Dags Nos. 412, 413, 414, 429, 430, 432, 433, 435, 436, 437 and 439.

O. G. R. McWILLIAM,
Offg. Deputy Commissioner.

CACHAR DEPUTY COMMISSIONER'S OFFICE,
The 2nd September 1869. (F)

Wanted,

A HEAD CLERK for the Judicial Department of the Office of the Commissioner of Cooch Behar Division. None but those who have experience in Judicial work, and competent knowledge of Office routine, need apply. Salary, Rupees 200.

DENONATH MOOKERJEE,
Personal Assistant to the Commissioner of Cooch Behar Division.

JULPIGOREE,
The 27th October 1869. (155—4)

Notice

Is hereby given that the post of Treasurer of the Bograh Collectorate has temporarily fallen vacant by the promotion of the late incumbent to the Officiating Foujdary Head Clerkship. Salary, Rupees 65 per month. Candidates should apply to the undersigned on or before the 10th November next. Security in Rupees 10,000 required. There is every probability of the appointment being eventually a permanent one.

T. F. BIGNOLD,
Offg. Collector.

BOGRAH,
The 25th October 1869. (154—2)

Notice.

AN authorized Bengalee translation of the Imperial Act VIII. of 1869 amending the Criminal Procedure Code can be obtained from Messrs. G. C. Hay and Co., Booksellers, or at the Office of the *Calcutta Gazette*, at 12 annas a copy. (F)

Notice

Is hereby given that the Government Steamer *Kolodyne*, attached to Assam, is at present undergoing repair at Calcutta, and will shortly be returning to Gowhatty *viâ* Dacca. Any Department therefore, Civil or Military, that has Government stores to send either to Dacca, or to Assam, is invited to take advantage of this opportunity to forward the same to their destination through the Marine Office.

WM. AGNEW,
Offg. Commr. of Assam.

COMMISSIONER'S OFFICE ;
Assam Division,
The 15th October 1869. (F)

Sheriff's Office, the 3rd November 1869.

NOTICE is hereby given that the Ninth Criminal Session of the year 1869 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Wednesday, the First day of December next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JAMES ROME,
Sheriff.

সরিফ আফিস ১৮৬৯ সাল ৩ নবেম্বর।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার ফোর্ট উইলিয়ম দুর্গের অধীন শহর কলিকাতার ও অন্যান্য স্থানের ফৌজদারী বিচার নিষ্পত্ত্য জন্য আগামি ১লা ডিসেম্বর বুধবার বেলা ১১ ঘটিকার সময় এবং যে পর্য্যন্ত সেশিয়ানের কার্য্য শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার টৌনহালে হাই কোর্টের আদালত ঘরে সন ১৮৬৯ সালের নবম ক্রিমিনেল সেশিয়ান বসিবেক এবং এতদ্দ্বারা প্রচার করা যাইতেছে যে যে সকল ব্যক্তি কোন কয়েদীর বিরুদ্ধে ফৌজদারী মিছিল করিবেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির থাকিয়া মোকদ্দমা করে ইতি তারিখ ১ নবেম্বর সন ১৮৬৯ সাল।

JAMES ROME,
(F) *Sheriff.*

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 9th October 1869.

PARTICULARS.	3½ per Cent. Loan of 1853-54.	4 per cent. Loans							4½ per Cent. Loan of 1856-57.	5 per cent.		5½ per Cent. Loan of 1859-60.	5 per Cent. Debentures for					Total Amount.
		of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	Transfer of 1865.		P. W. of 1854-55.	of 1856-57.		2 years. Repayable Jan. 1869.*	3 years. Repayable Jan. 1870.	5 years. Repayable June 1872.	10 years. Repayable June 1877.	15 years. Repayable June 1882.	
Balance of 30th September 1869	53,100	34,133	2,346	21,27,466	39,70,400	1,49,82,100	1,22,56,700	1,29,82,200	14,500	51,79,400	5,70,55,000	3,73,44,200	60,000	21,07,000	30,87,000	30,44,000	36,09,000	15,79,08,545
ADD																		
Amount enfaced at Madras between 1st and 9th October 1869.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....
Amount enfaced at Bombay between 1st and 9th October 1869.	...	...	...	...	12,200	...	20,900	1,000	...	...	1,000	...	...	...	...	...	...	35,100
Amount enfaced at Calcutta between 1st and 9th October 1869.	...	...	...	...	23,000	53,000	54,300	1,73,500	...	25,000	18,500	4,31,000	...	...	...	...	...	7,78,300
Total ...	53,100	34,133	2,346	21,27,466	40,05,600	1,50,35,100	1,23,31,900	1,31,56,700	14,500	52,04,400	5,70,74,500	3,77,75,200	60,000	21,07,000	30,87,000	30,44,000	36,09,000	15,87,21,945
DEDUCT																		
Amount written off in the London Registers.	...	...	...	...	1,000	...	1,000	...	...	1,000	2,16,500	45,000	...	...	...	...	...	2,64,500
Balance on 9th October 1869 ...	53,100	34,133	2,346	21,27,466	40,04,600	1,50,35,100	1,23,30,900	1,31,56,700	14,500	52,03,400	5,68,58,000	3,77,30,200	60,000	21,07,000	30,87,000	30,44,000	36,09,000	15,84,57,445

* Extended to July 1870, bearing interest at 4½ per cent.

NOTE.—From 9th June 1867 to 14th Aug. 1869, enfaced from India 657 lacs. Re-transferred from London 392 lacs.
From 15th Aug. 1869 to 31st Aug. „ ditto ditto ditto 5 „ Ditto ditto 2 „
From 1st Sept. „ to 15th Sept. „ ditto ditto ditto 5 „ Ditto ditto 4 „
From 16th Sept. „ to 30th Sept „ ditto ditto ditto 4 „ Ditto ditto 10 „
From 1st Oct. „ to 9th Oct. „ ditto ditto ditto 8 „ Ditto ditto 3 „

679
411

Balance against India ... 268

411

PUBLIC DEBT OFFICE;
Bank of Bengal,
Calcutta, 26th October 1869.

G. W. MOULTRIE,
Offg. Secretary and Treasurer.

160—1)

Statement of the Affairs of the Bank of Bengal for the Week ended 26th October 1869.

LIABILITIES.		Rs. As. P.
Proprietors' Capital, paid-up ...	...	2,20,00,000 0 0
Reserve Fund	...	15,92,718 11 11
General Treasury Balance at Head Office, Rupees	Nil.	64,32,136 7 9
General Treasury Balance at Branches, Rupees	64,32,136 7 9	
Other Deposits at Head Office and Branches	...	2,92,79,975 10 11
Bank Post Bills, &c.	...	4,28,330 14 4
Sundries	...	7,37,514 6 6
Rupees ...		6,04,70,676 3 5

ASSETS.	Rs. As. P.
Government Securities	99,51,435 0 0
Loans on Government Securities at Head Office and Branches	42,97,816 7 10
Accounts of credit on Government Securities at Head Office and Branches	16,39,812 7 6
Mercantile Bills discounted at Head Office and Branches	1,35,28,354 4 3
Dead Stock	10,04,727 8 3
Stamps	13,682 4 0
Balances with other Banks	5,83,084 6 1
Sundries	1,57,812 13 10
	3,11,76,725 3 9
Cash and Currency Notes at Head Office, Rupees 1,28,95,130 5 2	
Cash and Currency Notes at Branches, Rupees 1,63,98,820 10 6	2,92,93,950 15 8
Rupees ...	6,04,70,676 3 5

By Order of the Directors,
G. W. MOULTRIE,
Offg. Secretary and Treasurer.

J. GORDON,
(151—1) *Chief Acct. and Deputy Secretary.*

IN CHANCERY.

In the matter of the Companies' Acts 1862 *and* 1867, *and of the Northern Assam Tea Company "Limited."*

THE Vice-Chancellor James, acting for His Lordship the Master of the Rolls, has, by an order dated the 14th day of August 1869, appointed James Boatwright Gibbons, of No. 8, Old Jewry, in the City of London, Accountant, to be provisional Official Liquidator of the above-named Company. Dated this 24th day of September 1869.

EDWARD BLOXAM,
Chief Clerk.

Deane and Chubb, 14, South Square, Gray's Inn, in the County of Middlesex, Solicitors for the provisional Official Liquidator.

IN CHANCERY.

In the matter of the Companies' Acts 1862 *and* 1867, *and of the Northern Assam Tea Company "Limited."*

THE Creditors of the above-named Company are required, on or before the 15th day of October 1869, to send their names and addresses, and the particulars of their debts or claims, and the names and addresses of their Solicitors (if any) to James Boatwright Gibbons, of No. 8, Old Jewry, in the City of London, Accountant, the provisional Official Liquidator of the said Company; and, if so required by notice in writing from the said provisional Official Liquidator, are by their Solicitors to come in and prove their said debts or claims at the Chambers of the Master of the Rolls, in the Rolls Yard, Chancery Lane, in the County of Middlesex, at such time as shall be specified in such notice; or, in default thereof, they will be excluded from the benefit of any distribution made before such debts are proved. Monday, the 15th day of November 1869, at 12 of the clock at noon, at the said Chambers, is appointed for hearing and adjudicating upon the debts and claims. Dated this 31st day of August 1869.

JOSHUA BIRD ALLEN,
Chief Clerk.

Deane and Chubb, 14, South Square, Gray's Inn, in the County of Middlesex, Solicitors for the provisional Official Liquidator. (157—1)

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Alfred Isaac Meyer, an Insolvent. } On Saturday, the 2nd day of October instant, it was ordered that the application of the said Insolvent for the dismissal of his petition seeking for relief under the Act XI. Vic., cap. 21, do stand over until the 4th day of December next.

Rogers and Remfry, *Attorneys.*

Chief Clerk's Office, the October 1869.

Notice.

IN accordance with instructions received from Bombay from Ramjee Madomjee, Esq., senior partner of the firm in Calcutta of Moolchund Premjee, afterwards called Moolchund Premjee and Co., notice is hereby given that the business of the said firm will be discontinued from and after the 3rd November next, and it is hereby requested that all parties who are indebted to or have claim against the said firm will be good enough to liquidate their debt or send in their claims before the date aforesaid.

MOOLCHUND PREMJEE & CO.

CALCUTTA,
The 13th October 1869. } (148—2)

Great Eastern Hotel, Wine and General Purveying Company, Limited.

NOTICE is hereby given that the Fifteenth Half-yearly Ordinary General Meeting of Shareholders will take place at the registered Office of the Company, Nos. 1, 2 and 3, Old Court House Street, on Tuesday, the 30th of November 1869, at 3 P. M., to receive the report of the Directors and an "*ad interim*" statement of account for the half-year ending 31st August last; and for the transaction of such other business as may be placed on the table.

By order of the Directors,

C. B. WALLIS,
Secretary.

CALCUTTA,
The 30th October 1869. } (153—4)

Notice.

BEERBHOOM COAL COMPANY, LIMITED.

A QUORUM of Shareholders, not being present at the Half-yearly Ordinary General Meeting of the Shareholders, convened this day, the deferred Meeting will be held at the registered Office of the Company, No. 1, Hare Street, Calcutta, on Friday, the 26th November 1869, at noon, for the purpose of receiving the Directors' report and passing the accounts for the half year ending 31st July 1869.

J. E. MACLACHLAN,
Managing Director.

1, HARE STREET,
Calcutta, 30th October 1869. (156—4)

Victoria Tea Company, Limited.

NOTICE is hereby given that an Extraordinary General Meeting of Shareholders of the Victoria Tea Company, Limited, will be held at noon, on the sixth day of November next, at the registered Office of the Company, No. 104, Clive Street, in order to confirm the Resolution to be proposed at the Extraordinary General Meeting of Shareholders to be held on the 8th October.

Dated the seventh day of October 1869.

By Order of the Directors,
BORRADAILE, SCHILLER & Co.,
(139—4) *Agents and Secretaries.*

Notice.

Two good rooms available for Office accommodation at the Office of the Commissioner of the Presidency Division, No. 3, Theatre Road. Rent, Rupees 65 a month.

(13—*f. n.*)

CURRENCY NOTES.

Extract from Financial Department Notification, No. 1004*A., dated Simla, 30th July* 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed Note, or portion of Note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the Note is payable, and *once* in the *Gazette of India*.

Lost,

IN an unregistered letter, half of the following Currency Note:—

No. A72—03450, for Rs. 20.

ROOKENEY BULLUB BAHADOOR.

HALF of the following Currency Note, intimation of its loss given to the Currency Office, Calcutta:—

No. A75—90668, for Rs. 1,000.

RAMCHURN BHUGOBAN DOSS.

IN an unregistered letter, halves of the following Currency Notes:—

Nos. A56—73400, and 73401, for Rupees 50 each.

ASHBURNER AND CO.

THE Right-half of the following Allahabad Currency Note:—

No. A44—71067, for Rs. 20.

T. MARTIN.

THE following Currency Note, half of which has been lost accidentally; intimation of its loss having been given to the Currency Office, Calcutta:—

No. A64—06773, for Rupees 100.

SAGORE MULL JEELFALL.

HALF of the following Government Currency Note, No. A64—19052, for Rupees 100; intimation of loss given to the Currency Office, Calcutta.

SMALLWOOD AND LUTCH.

IN an unregistered letter, halves of the following Currency Notes:—

No. A64—12511,
" 19573,
" 21733,
" 27161,
" 34830,
" 35982,
" 35983,
" 35984,
" 35985,
" 36201,
} For Rupees 100 each.

ROBERT AND CHARRIOL.

RIGHT-HALVES of the following Currency Notes, in transit by Post, intimation of loss given to the Currency Office, Calcutta:—

Nos. A59—84734, 53589, 75543, 78702, 78703, 78349, 64697, 64915, 65092, 65111, 65344, 65365, for Rupees 100 each.

S. COCHRANE.

IN transit by Post, Left-half of Currency Note, No. A30—35412, (Allahabad Circle) for Rupees 50; intimation of loss given to the Currency Office, Allahabad.

S. COCHRANE.

FIRST-HALF Note, No. A50—66942, for Rupees 10.

TARA NARN ROY.

HALF of the following Government Currency Note:—

No. A41—95220, for Rupees 10.

SAMUEL SMITH, SONS AND CO.

Mutilated.

HALF of the following Currency Note:—

No. A24—05337, for Rs. 50.

GOUR MOHUN DASS.

Lost or Stolen.

HALF of the following Currency Note, No. A11—38859, of 13th July 1861, for Rupees 50.

REGINALD DRAKE.

HALF of the Government Currency Note, No. A27—54945, for Rupees 20.

SHEIKH PEERO AND OTHERS,
Seebsaugor, Upper Assam.

THE following Government Currency Notes, payment stopped at the Currency Office:—

No. A64—01307, for Rs. 100.
" A56—73585, " 50.
" A56—79173, " 50.
" A72—52250, " 20.
" A72—11655, " 20.
" A66—90434, " 10.

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(F)

Circular No. 91.

TO ALL POST OFFICE OFFICIALS.

MUNEE LALL PANDY, Brahmin, son of Janahir Pandy, of the Village of Alumgunge, in Zillah Patna, having been convicted of stealing the contents of a registered letter, and sentenced to seven year's transportation, is prohibited from any future employment in the Post Office Department.

W. H. MCGOWAN,
Asst. Post-Master Genl. of Bengal.

FORT WILLIAM,
the 23rd October 1869. (F)

List of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office, during the week ending on the 30th October 1869.

Albert and Co.
Auruss, Mrs.
Anton, A.
Archibald and Co.
Bany Madhub Doss.
Briggs, J. A.
Bisso Nauth Mitter.
Barker, Mrs. M. A.
Burt, W. W.
Beale, B. W.
Barlow, J. A.
Bell, Mrs. W.
Brewer, T. S. M.
Brown, T.
Brojo Bullub Mullick.
Barwell, Captain R.
Boyle, H. L.
Boys, W.
Beatson, W. H.
Beathie, Mrs.
Crow, H. M.
Canme Moochee.
Clunto Benrish Ram.
Cawdell, E. J.
Clabar, G.
Carr, Mrs. M. A.
Dawnes, J. P.
D'Souza, J. V.
Doveton, Colonel W. J.
D'Rozario, G. R.
Englebart, Dr.
Fraser, Douglas and Co.
Farron, Captain H.
Farran, Mrs. T.
Fox, W. D., Police Inspector.
Forward, J.
Freer, F.
Gaunt, Mrs.
Gleeson, Miss F.
Gimorol, Mrs.
Gibbs, Capt. H. W.
George and Co.
Godridge, J. P.
Goddard, Mrs. E.
Hurro Chunder Ghose.
Hope, G. V.
Hewetton, C.
Hardless, Mrs.
Hedger, Lee and Co.
Hastings, H. F.
Haymerdinger, C. A.
Howell, J. S.
Hancock, H. M.
Johannes, J. N.
Jones, T.
Janokey Nauth Mozumdar.
Juggo Sing and Co.
James, A. H.
Kight, Mrs.
Kerkinan, Dr. M.
Loins, G.
Lazar, F.
Lane, W.
Limanzia, E.
Leight, Mrs. C.
Lee, A. W.
Mylore, Miss E.
Marsh, C.
Mason, J.
Murray, T. S.
Manager, Punjab Horse Dawk.
Motton, Mrs. C.
Nicholson and Co.
Ortiz, A. D.
Oyton, A.
Palmer & Co.
Pila & Co.
Peters, S.
Puddom.
Pereira & Co.
Pereira, Mrs. T.
Rosseion, Mrs. M.
Robinson, A.
Rutherford, Miss E.
Ram Deen Ajah.
Robinson, J.
Rogerson, W.
Rind, Capt. M. M.
Randolph, E.
Sam Dhun Mookerjee.
Stephenson, J.
Sweetman, Miss.
Southby, Revd. J. G.
Sanders, Mrs.
Stephen, Miss E.
Stalbergh, C.
Scott, W. A.
Smither, H.
Teargert, D.
Taylor & Co., E.
Web, J.
Weston, H.
Wood, H. A.
White, Major J. D.
Webb, E. R.

E. C. GEORGE,
Offg. Post-Master of Calcutta.

CALCUTTA POST OFFICE,
The 1st November 1869. (F)

Postal Notices.

SEA AND OVERLAND MAILS.

For	Box closes at	Per
Akyab, Rangoon, and Moulmein ...	6 P. M. on the 4th Nov.	Steamer *Penang*.
Madras, Ceylon, Penang, Singapore, Malacca, Hong-Kong, China, and Japan ...	,, ,, 8th ,,	,, *Surat*.
Bimlipatam, Coconada, Madras, Pondicherry, Galle, and Mauritius ...	,, ,, 7th ,,	,, *Satara*.

N. B.—No letters, newspapers, books or pattern packets, are sent to Aden, Suez or Europe, or places in Europe, by Peninsular and Oriental Company's Steamers from Calcutta, the route to such places being *vid* Bombay.

CALCUTTA,
The 30th October 1869.

E. C. GEORGE,
Offg. Post-Master. (F)

Printed and Published for the Government by EDWIN MORRIS LEWIS, *at the Office of the Bengal Secretariat, Calcutta.*

No. 45 of 1869

The Calcutta Gazette.

WEDNESDAY, NOVEMBER 10, 1869.

Government of Bengal.

LEGISLATIVE DEPARTMENT.

The following Act of the Lieutenant-Governor of Bengal in Council received the assent of His Honor on the 21st August 1869, and having been assented to by His Excellency the Governor General on the 15th October 1869, is hereby promulgated for general information:—

Act No. VIII of 1869.

An Act to amend the Procedure in Suits between Landlords and Tenants.

Preamble.

Whereas it is expedient to amend the procedure in suits between Landlords and Tenants in the Provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

Interpretation of "Collector."

I. In the construction of this Act the word "Collector" shall include a Deputy Collector in charge of a Sub-division or other officer exercising the powers of a Collector of a District or of a Deputy Collector in charge of a Sub-division, by whatever designation such officer may be called.

Ryots entitled to a pottah.

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars:—

The quantity and boundaries of the land; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered and the time and manner of delivery.

Ryots holding land at fixed rates to receive pottahs.

III. Ryots who, in any Province to which this Act may apply, hold lands at fixed rates of rent, which shall not have been changed from the time of the Permanent Settlement of such Province, are entitled to receive pottahs at those rates.

Presumption if rent of land be not changed for 20 years.

IV. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a ryot in any such Province has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the Permanent Settlement, unless the contrary be shewn, or unless it be proved that such rent was fixed at some later period.

Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.

V. Ryots having rights of occupancy, but not holding at fixed rates as described in the two preceding Sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shewn in a suit by either party under the provisions of this Act.

Right of occupancy of ryot cultivating or holding land for 12 years.

VI. Every ryot who shall have cultivated or held land for a period of twelve years shall have a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to Khomar, Neejote, or Seer land belonging to the proprietor of the estate or tenure and let by him on lease for a term, or year by year, nor (as respects the actual cultivator) to lands sub-let for a term, or year by year, by a ryot having a right of occupancy. The holding of the father or other person from whom a ryot inherits shall be deemed to be the holding of the ryot within the meaning of this Section.

Saving of terms of written contracts.

VII. Nothing in the last preceding Section shall be held to affect the terms of any written contract for the cultivation of land entered into between a land-holder and a ryot, when it contains any express stipulation contrary thereto.

Pottahs to which ryots not having rights of occupancy are entitled.

VIII. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

IX. If on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy, the parties do not agree as to the term for which the pottah is to be granted, the Court shall fix such term as under the circumstances of the case may seem just and proper: provided that the term shall not in any case be longer than ten years, and, in estates not permanently settled, shall not extend beyond the period for which the proprietor of the estate has engaged with Government: provided also that if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

If on trial of suit for delivery of pottah, parties do not agree as to the time for which the pottah is granted, Court to fix the time.

Proviso.

X. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted, a kubooliyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah, such as the ryot is entitled to receive, shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot.

Person granting pottah entitled to a counterpart engagement.

XI. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator, from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent, damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

Damages for exactions in excess of rent or for receipt withheld.

Form of receipt.

XII. All power at any time heretofore vested in zemindars and other landholders, of compelling the attendance of their tenants for the adjustment of their rents, or for any other purpose, is withdrawn; and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them, other than by suit or distress or otherwise under the provisions of this Act.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

Payment of rent to be enforced under this Act.

XIII. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred Rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

Damages for extorting payment of rent by duress.

XIV. No under-tenant or ryot, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengalee year prevails, in or before the month of Poos, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector in whose jurisdiction the lands are situate, on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally upon the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence; or, if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mal Cutcherry of such land or other conspicuous place thereon, or at the village Chowree or Chowpal, or at some other conspicuous place in the village in which the land is situate.

Enhancement of rent of ryot holding without, or after expiry, &c., of written engagements.

XV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enchanced rent.

Mode of contesting enhancement of rent.

XVI. No dependent talookdar, or other person possessing a permanent transferable interest in land intermediate between the proprietor of an estate and the ryot, who, in any province to which the provisions of this Act may apply, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the Permanent Settlement, shall be liable to any enhancement of such rent, anything in Section LI, Regulation VIII of 1793, or in any other law, to the contrary notwithstanding.

Dependent talookdar, &c., holding land at fixed rent without change since Permanent Settlement, not liable to enhancement of rent.

XVII. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the Permanent Settlement, unless the contrary be shewn, or it be proved that such rent was fixed at some later period.

Rent of talookdar, &c., not changed for twenty years, to be *primâ facie* evidence of occupancy at that rent since the Permanent Settlement.

XVIII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him, except on some one of the following grounds, namely :—

Grounds on which ryot having right of occupancy is liable to enhanced rent.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the rate paid by him is below that prevailing in adjacent places.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the value of the land, &c., has increased independently of the ryot.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

That the quantity of land held by the ryot is greater than he has paid rent for.

XIX. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

When ryot may claim abatement of rent.

XX. Any ryot, who desires to relinquish the land held or cultivated by him, shall be at liberty to do so, provided he gives notice of his intention, in writing, to the person entitled to the rent of the land, or his authorized agent, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in distr cts or parts of districts where the Bengalee year prevails, in or before the month of Poos, of the year preceding that in which the relinquishment is to have effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land, or his agent, refuse to receive any such notice, and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector, in whose jurisdiction the lands are situate, who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIV.

Relinquishment of land by ryot after notice given.

XXI. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act, and, unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

What to be deemed an arrear of rent under this Act.

XXII. When an arrear of rent remains due from any ryot at the end of the Bengal year, or at the end of the month of Jeyt of the Fuslee or Willayutee year, as the case may be, such ryot shall be liable to be ejected from the land in respect of which the arrear is due: provided that no ryot having a right of occupancy, or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of ryot to be ejected for arrear due.

XXIII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected, provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

Proviso.

XXIV. All suits which under the provisions of this Act may be brought by or against zemindars or other persons in the receipt of the rent of land, may be brought by or against Surburakars or Tehseeldars of estates held under khas management, whether such estates are the property of Government or of individuals.

Suits by or against Surburakars or Tehseeldars of estates held khas.

XXV. Every proprietor of an estate or tenure, or other person in receipt of the rents of an estate or tenure, has the right of making a general survey and measurement of the lands comprised in such estate or tenure, or any part thereof, unless restrained from doing so by express engagement with the occupants of the lands.

Proprietor's right to survey and measure his estate.

XXVI. All dependent talookdars and other persons possessing a permanent transferable interest in land intermediate between the zemindar and the cultivator, are required to register, in the Sheristah of the zemindar or superior tenant to whom the rents of their talooks or tenures are payable, all transfers of such talooks or tenures, or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance. And every zemindar or superior tenant is required to admit to registry and otherwise give effect to all such transfers when made in good faith, and all such successions and divisions. Provided that no zemindar or superior tenant shall be required to admit to registry, or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent in writing of the zemindar or superior tenant.

Registry of transfers of talookdars, &c.

XXVII. All suits instituted for the recovery of damages an account of the illegal exaction of rent, or of any unauthorized cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress, or on account of the excessive demand of rent, and all suits for abatement of rent, and all suits to eject any ryot or to cancel any lease on account of the non-payment of arrears of rent or of the breach of the conditions of any contract by which a ryot may be liable to be ejected, or a lease may be liable to be cancelled, and all suits to recover the occupancy of any land, farm, or tenure from which a ryot, farmer, or tenant has been illegally ejected by the

Limitation of certain suits.

person entitled to receive rent for the same, and all suits arising out of the exercise of the power of distraint for arrears of rent conferred on zemindars and others, by this or any other Act or out of any acts done under color of the exercise of the said power shall be commenced within the period of one year from the date of the accruing of the cause of action and not afterwards.

Limitation of suits for grant of pottahs, &c.

XXVIII. Suits for the delivery of pottahs or kubooliyets, and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy.

Limitation of suits for arrears of rent.

XXIX. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeyt of the Fuslee or Willayutee year, in which the arrear claimed shall have become due: Provided that if the suit be for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under Section XIII of Act X of 1859, or under Section XIV of this Act; and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year, or of the month of Jeyt of the Fuslee or Willayutee year, on account of which such enhanced rent is claimed.

Limitation of suits against agents for money, papers, or accounts.

XXX. Suits for the recovery of money in the hands of an agent, or for the delivery of accounts or papers by an agent, may be brought at any time during the agency or within one year after the determination of the agency of such agent: Provided that if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case be brought at any time exceeding three years from the termination of the agency.

Suit for further balance to be instituted within six months of service of notice of deposit.

XXXI. Whenever a deposit on account of rent shall have been made under the provisions of this Act, or of Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, no suit shall be brought against the person making the deposit, or his representatives, on account of any rent which accrued due prior to the date of the deposit, unless such suit be instituted within six months from the date of the service of the notice in Section V of the said Act VI of 1862, or in Section XLVII of this Act mentioned.

Naibs or Gomastahs to be deemed in certain cases authorized agents under Act VIII. of 1859.

XXXII. Every Naib or Gomastah thereto specially authorized by any writing under the hand of his employer shall, for the purposes of all suits for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, be deemed to be the recognised Agent of such employer within the meaning of Section XIII of the said Act VIII of 1859, though such employer may be within the jurisdiction of the Court in which such Naib or Gomastah may appear or make any application.

Cognizance of suits under this Act.

XXXIII. From and after the time when this Act shall commence and take effect in any place, the jurisdiction, save as regards any suits or proceedings then pending, of the Collectorate Courts in such place, under Act X of 1859 of the Governor-General in Council, and Act VI of 1862 of the Council of the Lieutenant-Governor of Bengal, to entertain suits, shall cease: and all suits brought for any cause of action arising under either of those Acts or this Act shall, from such time and in such place, be cognizable by the Civil Courts according to their several jurisdictions.

Proceedings to be regulated under Code of Civil Procedure.

XXXIV. Save as in this Act is otherwise provided, suits of every description brought for any cause of action arising under this Act, and all proceedings therein, shall be regulated by the Code of Civil Procedure passed by the Governor-General in Council, being Act No. VIII. of 1859, and by such further and other enactments of the Governor-General in Council in relation to Civil Procedure as now are or from time to time may be in force; and all the provisions of the said Act and of such other enactments shall apply to such suits.

Jurisdiction in certain suits.

XXXV. The cause of action in suits brought for the delivery of any pottah or kubooliyet, or for the cancelment of any lease, for the determination of rates of rent, for illegal exactions of rent, cess, or impost, for refusal of receipts for rent paid, for extortion of rent, for excessive demand of rent, for abatement of rent, for arrears of rent, and for refusing to register transfers, successions, or divisions under Section XXVI, shall be deemed to have arisen within the jurisdiction of the Court which would have had jurisdiction to entertain a suit for the recovery of the land or other immoveable property in relation to which the cause of action arose, and shall be brought in such Court and in no other Court.

Provision when cause of action arises in different jurisdictions.

XXXVI. If the land which by the provisions of the next preceding Section determines the place in which the cause of action in the suits in the said Section mentioned shall be deemed to have arisen, be situate within the jurisdiction of different Courts, the provisions of Sections XI and XII of the said Act VIII of 1859, shall apply to such suits, as if the same had been suits for the recovery of such land.

Proceedings in case of opposition made to the measurement of land.

XXXVII. If any person, intending to measure any land which he has a right to measure, is opposed in making such measurement by the occupant of the land; or if any under-tenant or ryot, having received notice of the intended measurement, of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, the person claiming the right to measure such land may apply to establish his right to measure such land, in the Court which would have had jurisdiction in case such suit had been brought for the recovery of such land, and such Court shall hear and determine the right to make such measurement, and,

if the case shall so require, shall make an order enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot, after the issue of an order enjoining his attendance, neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made, or any of the proceedings held, in his absence.

Measurement of land when it cannot be ascertained who are the persons liable to pay rent.

XXXVIII. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure, or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands, or any part of the lands comprised therein, such proprietor or other person may apply to the Court which would have had jurisdiction in case a suit had been brought for the recovery of such lands, and such Court thereupon, and on the necessary costs being deposited therein by the applicant, shall order such lands to be measured, and shall cause a copy of such order to be transmitted to the Collector in whose jurisdiction the lands are situate, together with the sum so deposited for costs, and the Collector shall thereupon proceed to measure such lands, and shall ascertain and record the names of the persons in occupation of the same, or, on the special application of the proprietor or other person aforesaid, but not otherwise, shall proceed to ascertain, determine, and record the tenures and under-tenures, the rates of rent payable in respect of such lands, and the persons by whom respectively the rents are payable. If after due enquiry the Collector shall be unable to cause such lands to be measured, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under-tenures in such lands, or any part thereof, then and in any such case such Collector may declare the same to have lapsed to the party on whose application such enquiry may have been made. If any person, within fifteen days after such Collector shall have recorded the name of such person as being in occupation of such land, or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and satisfy such Collector that there has been a failure of justice, such Collector may, upon such terms or conditions as may seem fit, alter or rescind such order according to the justice of the case.

Proceedings on completion of such measurement.

XXXIX. The Collector shall, as soon as conveniently may be after he shall have finally completed any such measurement and record, return a copy thereof to the Court by which such measurement had been ordered, and such Court shall receive and record the same; and every decision of the Collector made in pursuance of the provisions of Section XXXVIII shall be appealable as if the same had been an order of the Court into which such copy had been returned, made upon the day on which such copy was so returned; but save as aforesaid, every decision of such Collector made in pursuance of the provisions of Section XXXVIII shall be final.

Collector's powers.

XL. The provisions of the said Act VIII of 1859 and the Acts amending the same, or of any other Act or Acts for the time being in force in Civil Courts in Bengal, relating to the evidence of witnesses, to procuring the attendance of witnesses and the production of documents, and to the examination, remuneration, and punishment of witnesses, shall apply to all proceedings before any Collector under Section XXXVIII; and for the purposes aforesaid, the Collector shall have all the powers and authorities in and by such Acts or any of them conferred upon the Court.

Measurement to be made by the Pergunnah Pole.

XLI. All measurements made under this Act shall be made according to the standard pole of measurement of the Pergunnah in which the land is situated.

Register of suits.

XLII. All suits brought under any of the provisions of this Act shall be entered in a special register of the Court kept for that purpose.

Form of plaint in suits for arrears of rent.

XLIII. In any suit hereafter to be brought for the recovery of an arrear of rent, the plaint shall specify the name of the village and estate, and of the pergunnah or other local division in which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due. If the arrear is alleged to be due from any ryot, the plaint shall further specify the quantity of land; and where fields have been numbered in a Government Survey, the number (if it be possible to give it) of each field.

The Court may in certain cases award to the plaintiff additional damages not exceeding 25 per cent.

XLIV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorized agent, or in case of the refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount in the Court before the institution of the suit in manner hereinafter mentioned, it shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five per centum on the amount of rent decreed, as the Court may think fit. These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve per centum per annum from the date of decree until payment thereof.

The Court may award compensation not exceeding 25 per cent. on the amount sued for, to a defendant improperly sued.

XLV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant had before the institution of the suit duly deposited in the Court, in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant, by way of compensation,

such sum, not exceeding twenty-five per centum on the whole amount claimed by the plaintiff, as the Court may think fit; and such sum, with interest at the rate of twelve per centum per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums ordered to be paid by decrees of such Court.

Under-tenant or ryot may, after tender, &c., pay into Court, without any action being brought against him, what he admts to be due to his zemindar, &c.

XLVI. If any under-tenant or ryot shall, at the Mal Cutcherry for the receipt of rents or other place where the rents of the land or other immoveable property held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zemindar or other person in receipt of the rent of such land; and if the amount so tendered shall not be accepted, and a receipt in full shall not be forthwith granted, it shall be lawful for the under-tenant or ryot, without any suit having been instituted against him, to deposit such amount in the Court having jurisdiction to entertain a suit for such rent, to the credit of the zemindar or other person aforesaid; and such deposit shall, so far as the under-tenant or ryot, and all persons claiming through or under him, are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or ryot of the amount deposited to such zemindar or other person.

Payment into Court to have effect of payment to zemindar or other person entitled.

Proceedings on making a payment into Court and drawing out the money.

XLVII. Such deposit shall be received in such Court on the application of the under-tenant or ryot, or his agent, made in writing, and on the under-tenant, or ryot, or his agent, making a declaration in the form, or, as nearly as circumstances will admit in the form set forth in the Schedule (A) hereto annexed, and the Court shall give a receipt for the same under its seal. If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence. Upon receiving the money so deposited, the Court shall issue a notice to the person to whose credit it has been deposited, in the form set forth in the Schedule (B) hereto annexed; and such notice shall be served by the Court, without the payment of any fee, either upon the person to whom it is addressed, or upon his Naib, Gomashtah, or other agent; and in the absence of any such agent, it shall be served by sticking up a copy of the same in the said Court, and another copy upon the Mal Cutcherry for the receipt of rents, or other place where the rents are usually paid for the land in respect of which the money has been deposited. If the person to whom such notice is issued, or his duly authorized agent, shall appear and apply that the money in deposit be paid to him, it shall be immediately made over to him.

After action brought defendant may pay into Court, without costs, money tendered before action brought.

XLVIII. The defendant in any suit instituted under any of the provisions of this Act, may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as such defendant may consider to be due to the plaintiff without paying in any costs incurred by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, the plaintiff shall be charged with the whole costs of the suit incurred by the defendant; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit.

Costs if plaintiff goes on and recovers no more.

If no previous tender has been made, defendant may pay into Court what he admits to be due, with costs on that sum.

XLIX. The defendant in any suit instituted under any of the provisions of this Act, may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court, if necessary, as of a suit originally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit and ultimately recovers no further sum than shall have been paid into Court, he shall be charged with all costs incurred by the defendant subsequently to such payment; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with costs as upon a suit originally instituted, for the whole amount for which the plaintiff ultimately obtains a decree, but shall have credit thereout for the amount of costs paid into Court by him in the first instance.

Costs if plaintiff goes on with the suit.

No warrant of arrest before judgment.

L. No warrant of arrest before judgment shall be issued in a suit for arrears of rent due in respect of a dependent talook or other transferable tenure, which may be liable to sale in execution of any decree which may be passed in the case.

Mesne profits may be claimed in suits for recovery of land.

LI. It shall be lawful for any person entitled to recover the possession of land under any of the provisions of this Act, to include in his plaint a claim for the mesne profits of the land.

Suits for ejectment or cancelment of lease.

LII. Any person desiring to eject a ryot or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment and for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of such suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount, together with interest and costs of suit, be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

Court to issue immediate execution in certain cases.

LIII. Whenever in any suit brought by any zemindar or other person in receipt of the rent of land, to eject any cultivator not having a right of occupancy,

or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorised by any Regulation or Act, the Court shall pass a decree in favor of the plaintiff, no application in the form provided in Section 212 of the said Act VIII of 1859 shall be necessary, but the Court shall forthwith, upon the plaintiff depositing in Court the necessary expenses, make an order for delivery of possession in execution of the decree. Provided, however, that in cases to which Section LII of this Act is applicable, no such order shall be made until after the expiration of fifteen days from the date of the decree.

In such cases execution not to be stayed pending appeal.

LIV. It shall not be lawful for the Court to entertain any application for stay of execution of any such order pending any appeal, and no person who shall have been evicted under any such order shall be restored to possession so long as the decree under which such order was issued shall remain unreversed.

If person required by the decree refuse to grant pottah, Court may do so.

LV. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Court may grant a pottah in conformity with the terms of the decree under the signature and seal of such Court, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

Refusal to execute kubooliyet as required by the decree.

LVI. When a decree is given for the delivery of a kubooliyet, if the person required by the decree to execute such kubooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the signature and seal of the Court shall be of the same force and effect as a kubooliyet executed by the said person.

Process not to issue simultaneously against both person and property.

LVII. Process of execution in any suit instituted under this Act may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both the person and property.

No execution to be issued after three years from date of judgment.

LVIII. No process of execution of any description whatsoever shall be issued on a judgment in any suit for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred Rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Court.

Procedure on sale of under tenure.

LIX. Whenever a decree may be passed for an arrear of rent due in respect of an under-tenure which by the title-deeds or the custom of the country is transferable by sale, and the judgment-creditor shall make application for the attachment and sale of such under-tenure, the Court shall, so soon as such under-tenure shall have been ordered to be sold, cause to be hung up in some conspicuous part of the building in which such Court sits, and of the buildings in which the Collector and Judge of the District within which the land comprised in such under-tenure is situate, and to be affixed on some conspicuous place on such land and on some conspicuous place in the town or village in or nearest to which such land is situate, a notice for the sale of such under-tenure on some fixed date not less than twenty days from the hanging up of such notice in such Court.

Contents of notice of sale of under-tenure.

LX. Every such notice shall specify in the words used in the plaint in the suit in which the decree was made, the name of the village, estate, and pergunnah, or other local division in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree.

Under-tenures not to be sold while other execution in force.

LXI. No order for the sale of any such under-tenure shall be made in execution of a decree for recovery of arrears of rent payable in respect thereof, when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If, after sale of any such under-tenure in execution of such decree, any portion of the amount decreed remains due, process may be applied for and issued against any other property, moveable or immoveable, belonging to the debtor.

How the sale may be stayed by person interested in under-tenure.

LXII. If the sum due under the decree, together with interest to date of payment, and all costs of process, be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of Section 13 of Regulation VIII of 1819, for the recovery of sums paid by persons other than the defaulting holder of the under-tenure, to stay the sale of the under-tenure, shall be applicable to all similar payments made under this Section.

If third party claim to be the lawful possessor of such under-tenure, Court to stay the sale and to enquire into, and adjudicate upon, the claim, upon decree being paid or secured.

LXIII. If after attachment and before sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, any third party may prefer a claim alleging that such third party and not the person against whom the decree has been obtained, is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Court shall not postpone such sale, unless and until such third party shall have deposited in Court the amount of the decree, or given sufficient security for the same. Provided always that no transfer of an under-tenure which, by the provisions of this Act or any other law for the time being in force, is required to be registered in the Sherishtah of the zemindar or superior tenant, shall be recognized unless it has been so registered, or unless sufficient cause for non-registration be shewn to the satisfaction of the Court.

Non-registered transfers not to be recognized.

Execution of decrees given in favor of sharers in undivided estates or tenures.

LXIV. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure, for money due to him on account of his share of the rent of an under-tenure, situate in such undivided estate, talook, or tenure, no order for the sale of such under-tenure in execution of such decree, shall be made unless and until all moveable property, (if any), which such judgment-debtor may possess within the jurisdiction of the Court in which the suit was instituted, shall have been seized and sold in execution of such decree, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section LIX, may be seized and sold in execution of such decree, according to the ordinary procedure of the Court and not in the manner provided in the said Section, and every such sale shall have such and the same effect as the sale of any immoveable property sold in execution of a decree not being for arrears of rent payable in respect thereof.

Execution of judgment.

LXV. In the execution of any decree for the payment of any money under this Act, not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the district in which the suit was instituted, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.

LXVI. The purchaser of an under-tenure under the provisions of Sections LIX and LX of this Act shall acquire it free of all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagement under which the under-tenure was created, or by the subsequent written authority of the person who created it, his representatives or assignees: provided that nothing herein contained shall be held to entitle the purchaser to eject khoodkhast ryots or resident and hereditary cultivators, nor to cancel *bonâ fide* engagements made with ryots or cultivators of the classes aforesaid by any holder of the under-tenure or his representatives, except it be proved in a regular suit to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor. Nothing in this section shall be held to apply to the purchase of a tenure by the previous holder thereof through whose default the tenure was brought to sale.

Zemindar how to proceed if purchaser do not register.

LXVII. The purchaser of an under-tenure sold under this Act shall apply to the zemindar or other landholder within fifteen days from the day of sale to have his name registered in the zemindar or other landholder's books as the purchaser, and shall execute a kubooliyet on the same terms and conditions on which the under-tenure was held by the defaulter; and if such application be not made within fifteen days, it shall be lawful for the zemindar or other landholder to sue the said purchaser for the delivery of a kubooliyet.

Produce of the land to be held hypothecated for the rent.

LXVIII. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent, as defined in Section XXI of this Act, is due from any cultivator of land, the zemindar, lakhrajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive the rent of such land immediately from the actual cultivator thereof, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due, under the following rules. Provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given, shall not be liable to distraint.

Arrears of rent may be recovered by distraint under the following rules.

Cultivators who have given security to be exempt from distraint.

Proviso.

Provided also that no sharer in a joint estate, dependent talook, or other tenure in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorised to collect the rents of the whole estate, talook or tenure, on behalf of all the sharers in the same.

No distraint in certain cases.

LXIX. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

Power of distraint to be exercised by managers under the Court of Wards, &c.

LXX. The power of distraint vested by Section LXVIII in zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Wards, Surburakars, and Tehseeldars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by Naibs, Gomastahs, and other agents employed by any such persons as aforesaid in the collection of rent, if expressly authorised by power of attorney in that behalf; provided that, if any illegal act is committed by any such Naib, Gomashtah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Proviso.

Standing crops and crops gathered, but not stored, liable to distraint.

LXXI. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a home-stead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

LXXII. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made. The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

LXXIII. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it at his usual place of residence.

Distress to be proportionate to the arrear if not paid or tendered.

LXXIV. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose. Crops or products which from their nature do not admit of being stored, may be sold, before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when the crops or products, or any part of the same, would be fit for cutting or gathering.

Standing crops, &c., when attached, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

LXXV. If a distrainer shall be opposed, or shall apprehend resistance, and shall desire to obtain the assistance of a public officer, he may apply to the Court which under the provisions of this Act would have jurisdiction to entertain a suit for the rent for which such distrainer is about to distrain, and the Court may, if it thinks necessary, depute an officer to support the distrainer in making the distraint.

Distrainer may apply for aid to the Court upon occasion of resistance made or apprehended.

LXXVI. When any person, empowered to distrain property under Section LXVIII or Section LXX, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Persons empowered to distrain may give written authority to their servants to do so.

LXXVII. If at any time after property has been distrained, and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.

LXXVIII. Within five days from the time of the storing of any distrained crops or products, or if the crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Court which would have jurisdiction to entertain a suit for the rent for which the distress was made.

Application for sale.

LXXIX. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application, the distrainer shall lodge in Court the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Form of application.

Cost of notice upon defaulter to be deposited by distrainer.

LXXX. Immediately on receipt of any application under the provisions of the next preceding Section, the Court to which such application shall have been made, shall appoint an officer to conduct the sale of such property and shall cause to be served a notice [which shall be in the Form contained in the Schedule (C) to this Act, or to the like effect] on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before such Court within the period of fifteen days from the receipt of the notice; and shall at the same time cause to be affixed upon some conspicuous place in the Court-house, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Procedure by Civil Court on receipt of application.

LXXXI. If a suit shall be instituted in pursuance of the aforesaid notice, the Court shall suspend proceedings in regard to the sale of the distrained property, and shall certify to the officer appointed to conduct the sale such suspension.

Sale to be suspended when suit instituted.

LXXXII. Any person whose property has been distrained in the manner in this Act provided, may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale; when such suit is instituted, the Court shall suspend proceedings in respect of the sale of such property.

Suit to contest distrainer's demand before issue of notice of sale.

LXXXIII. The person whose property has been distrained, may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with sufficient security, binding himself and

Distress to be withdrawn on receipt of Court's certificate that the owner has executed a bond to pay amount of decree with interest and costs.

his sureties to pay whatever sum may be adjudged to be due from him with interest and costs of suit; and when such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if so requested, shall serve the distrainer with notice of the same, and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distraint.

Value of claim in suits disputing distress.

LXXXIV. The estimated value of the claim made in any suit filed under the provisions of Sections LXXX, LXXXII, & XCVI, or any of them, shall be deemed to be the amount of arrears of rent for which the distraint shall have been made.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

LXXXV. On the expiration of the period fixed in the proclamation of sale, if a suit to contest the demand of the distrainer be not in the meantime instituted in the Court and certified to the officer appointed to conduct the sale, such officer shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property, or such part of it as may be necessary, in the manner hereinafter prescribed.

Place and manner of sale of distrained property.

LXXXVI. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haut, or other place of public resort, if the officer appointed to conduct the sale should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots as such officer holding the sale may think advisable, and if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

LXXXVII. If on the property being put up for sale a fair price, in the estimation of the officer holding the sale, be not offered for it, and the owner of the property or some person authorised to act on his behalf apply to have the sale postponed until the next day or the next market day, if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed, whatever price may be offered for the property.

Payment of purchase-money.

LXXXVIII. The price of every lot shall be paid for in ready money at the time of sale, or as soon after as the officer holding the sale shall think necessary, and in default of such payment the property shall be put up again and sold. When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Proceeds of sale.

LXXXIX. From the proceeds of the sale of distrained property, the officer holding the sale shall make a deduction at the rate of one anna in the Rupee on account of the costs of the sale, and shall transmit the amount to the Court, in order that it may be credited to Government. He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale prescribed in Section LXXX, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made, with interest thereupon up to the day of sale; and if there be any overplus, it shall be delivered to the person whose property shall have been sold

Officers holding sales prohibited from purchasing.

XC. Officers holding sales of property under this Act, and all persons employed by or subordinate to such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers.

All irregularities to be reported to the Court.

XCI. Officers holding sales of distrained property are required to bring to the notice of the Court any material irregularities committed by distrainers under color of this Act: and if in any case, on proceeding to hold a sale of property, such officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under Section LXXX, or pass such other order as may seem proper.

Recovery of expenses if officers proceed to place of sale and no sale take place.

XCII. When any such officer has proceeded to any place for the purpose of holding a sale, and no sale takes place either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to such officer, the charge of one anna in the Rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary. In all other cases the Court shall make an order that such expenses shall be paid by the distrainer, and shall in such order fix the amount to be paid by him; such amount not to exceed the sum of ten Rupees: and the amount by such order directed to be paid may be recovered from such distrainer as if such order were a decree of such Court.

Proceedings of officers, &c., subject to revision and orders of Court.

XCIII. All proceedings under this Act of the officers appointed to hold sales of distrained property shall be subject to the revision and orders of the Court to which they respectively are attached, and the Court may require the submission of such reports and statements of business performed by such officers as may be thought necessary.

Second proclamation of sale.

XCIV. When a suit has been instituted to contest the demand of a distrainer, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an

order to the officer appointed to conduct the sale of such property and furnish a copy of such order to the distrainer, authorising the sale of the property; and on the application of the distrainer, which shall be made within five days from the receipt by him of such copy of such order, such officer shall publish a second proclamation in the manner prescribed in Section LXXX, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress, including any costs of suit which may be ordered to be paid by the person instituting such suit, be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Procedure after institution of suit to contest distrainer's demand.

XCV. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself instituted a suit for the amount. If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favor of the distrainer, together with such costs of suit as to such Court may seem proper, and the amount may be recovered by sale of the property as provided in the last preceding Section if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or if the property has been released on security, by execution of the decree against the person and property of the defaulter and of his surety. If, on the other hand, the distraint is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such damages in favor of the plaintiff as the circumstances of the case shall seem to require, and may decree the costs of the suit to be paid by the distrainer.

Any person whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer.

XCVI. If any person shall claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person to try the right to the possession of the property in such Court, and in like manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted, the property may be released upon security being given for the value of the same. If the claim is dismissed, the Court shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer, and for payment of such costs of suit to such distrainer, as to such Court shall seem fit. If the claim is upheld, the Court shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require. Provided always that no claim to any produce of land liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the person entitled to the rent of the land; nor shall any attachment in execution of a judgment or decree of any Court prevail against such prior claim.

Persons prevented from suing in time to save their property from sale, may sue for damages.

XCVII. If any person, whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by Sections LXXXII and XCVI, and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Also persons aggrieved by any illegal act of distrainer.

XCVIII. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

Unlawful distraint.

XCIX. If any person not empowered to distrain property under Sections LXVIII and LXX of this Act, nor employed for the purpose under a written authority by a person so empowered, shall under color of this Act, distrain or sell or cause to be sold any property, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall when the act complained of does not amount to criminal trespass, be liable to fine which may extend to three hundred Rupees, or to imprisonment, simple or rigorous, which may extend to two months, or to both, in addition to any damages which may be awarded against him in such suit.

Time for commencing suits for damages.

C. Provided always that any suit which may be instituted under any of the last three Sections shall be commenced within three months from the date of the occurrence of the cause of action.

Procedure on resistance to distraint, &c.

CI. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Court which would have jurisdiction in a suit for the rent for which such distraint was made, shall, upon complaint being made within fifteen days from the date of such resistance or removal, cause the person accused to be arrested; and if

the offence be proved, and the offender be the owner of the property, shall order him to be imprisoned in the Civil Jail for six months, or until the whole arrear due to the distrainer, with all expenses and costs, shall be paid or levied by attachment and sale of the property of the offender under warrant of the Court. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred Rupees, or, in default of payment thereof, to imprisonment for a period not exceeding two months.

No appeal from any decree of the District Judge for money below 100 Rupees, unless it involve the right to enhance rent or a title to land.

CII. Nothing in this Act contained shall be deemed to confer any power of appeal in any suit tried and decided by a District Judge, originally or in appeal, if the amount sued for, or the value of the property claimed, does not exceed one hundred Rupees, in which suit a question of right to enhance or vary the rent of a ryot or tenant, or any question relating to a title to land or to some interest in land as between parties having conflicting claims thereto, has not been determined by the judgment.

Review of judgment.

CIII. No application for a review of any judgment or order passed in any suit brought under the provisions of this Act shall be received by any Court after the expiration of thirty days from the date of such order or judgment, but nothing in this Section contained shall be deemed to apply to the High Court of Judicature at Fort William in Bengal.

Small Cause Court not to have jurisdiction.

CIV. Nothing in this Act contained shall be deemed to confer upon any Court sitting as a Court of Small Causes cognizance of any suit brought under the provisions of this Act, of which it would not have had cognizance if this Act had not been passed.

Power to issue process free of charge.

CV. If in any case the Court is satisfied that a party is unable to pay the cost of any necessary process in any suit under this Act, it may direct such process to be served free of charge.

Application of Act.

CVI. This Act shall take effect in those Districts in the Provinces subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*, and thereupon this Act shall commence and take effect in the Districts named in such order at the day and time which shall be in such order provided for the commencement thereof.

Certain enactments to cease to have operation in places in which this Act takes effect.

CVII. When and so soon as this Act shall commence and take effect in any District, the various provisions mentioned in Schedule (D) hereto annexed, shall cease to have operation or effect in such District, save so far as they repeal or modify any other Regulations or Acts and save so far as regards suits or proceedings which before the time of the commencement of this Act shall have been instituted before any Collector.

Pending suits to be carried on under former practice.

CVIII. Whenever any suit or other proceeding under the provisions of the Acts in the Schedule (D) mentioned, or of any of them, shall at the time when this Act comes into operation in any place have been instituted before any Collector or other Officer having under the provisions of the same Acts or of any of them jurisdiction in such suit or proceeding, such suit or proceeding and all appeals therein shall be heard and determined, and execution of any decree or order therein shall be had, and the practice and procedure therein shall be such and the same, as if this Act had not been passed.

Act not to effect powers conferred by the Chota Nagpore Tenures Act.

CIX. Nothing in this Act contained shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to ascertain, regulate, and record certain tenures in Chota Nagpore, on any person appointed to be a Special Commissioner thereunder, or on the Commissioner of the Division of Chota Nagpore.

Act VII of 1868 saved.

CX. Nothing in this Act contained shall in any way affect any of the provisions of Act VII of 1868 of the Council of the Lieutenant-Governor of Bengal for the recovery of arrears of land revenue and other demands recoverable as arrears of land revenue.

Short title.

CXI. This Act shall be called "The Landlord and Tenant Procedure Act, 1869."

SCHEDULE A.

(Referred to in Section XLVII.)

I, A. B., of, &c., do solemnly declare that I did personally (or by my Agent, C. D), on the day of tender payment to E. F. at his Mal Cutcherry (or at) the place where the rent of the lands at held or cultivated by me under or from the said E. F. are usually payable, of the sum of Rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered (or to give me a receipt in full forthwith for the same); and I do declare that, to the best of my belief, the sum of Rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

SCHEDULE B.

(Referred to in Section XLVII.)

Court of
Dated the day of 18

To E. F., of, &c.

WITH reference to the within declaration, you are hereby informed that the sum of Rupees

therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or to your duly authorized Agent on application; and take notice that if you have any further claim or demand whatsoever to make against the said A. B. in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

[Copy of declaration in Schedule A to be annexed.]

SCHEDULE C.

(Referred to in Section LXXX.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Court of

A. B., Distrainer.

(Name, description, and address of the owner of the property.)

WHEREAS the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit in the Court of to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 18 .

SCHEDULE D.

(Referred to in Sections CVII *and* CVIII*)*

Being Acts made inoperative in Districts in which this Act is in force.

Date and No. of Act.	Title of Act.	Extent of Repeal.
Act X of 1859 ..	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	The whole Act.
Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council.	An Act to amend Act X of 1859.	The whole Act.
Act IV of 1867, passed by the Lieutenant-Governor of Bengal in Council.	An Act to explain and amend Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.	The whole Act.

J. PITT-KENNEDY,
Asst. Secy. to the Govt. of Bengal,
(Legislative Department.)

ORDERS by the LIEUTENANT-GOVERNOR of BENGAL.

REVENUE AND GENERAL DEPARTMENTS.

No. 1546R.

APPOINTMENTS.

The 30th June 1869.—Mr. C. J. Brown to officiate as Deputy Collector of Customs, Calcutta, during the absence, on leave, of Mr. J. D. Maclean, or until further orders.

Mr. W. Warden to officiate as Assistant Collector of Customs, Calcutta, during the absence, on deputation, of Mr. C. J. Brown, or until further orders.

The 3rd November 1869.—Mr. H. G. Browne to officiate as Registrar of Cargo Boats, Calcutta, during the absence, on leave, of Mr. W. Davis, or until further orders.

The 5th November 1869.—Mr. A. C. Brett to be Secretary to the Local Committee of Public Instruction at Bhaugulpore.

Mr. J. W. Alexander, Assistant Secretary to the Government of India, Public Works Department, officiated as Assistant Professor of Civil Engineering in the Presidency College, in addition to his own duties, from the 24th June to the 16th September 1869.

The 6th November 1869.—Mr. H. L. Oliphant, Deputy Commissioner of Lohardugga, to be a Deputy Commissioner of the Second Grade.

Captain J. Gregory, Officiating Deputy Commissioner of Luckimpore, to be a Deputy Commissioner of the Third Grade.

Mr. J. W. Edgar, Officiating Deputy Commissioner of Cachar, to be Deputy Commissioner of Cachar, and to be a Deputy Commissioner of the Fourth Grade. Mr. Edgar will continue to officiate in the Third Grade of Deputy Commissioners.

Lieutenant-Colonel A. K. Comber to be Deputy Commissioner of Nowgong, but to continue to officiate, until further orders, as Deputy Commissioner of Kamroop.

Mr. O. G. R. McWilliam, Assistant Commissioner, Cachar, to be an Assistant Commissioner of the First Grade.

Lieutenant N. Lowis, Assistant Commissioner, Hazareebaugh, to be an Assistant Commissioner of the Second Grade.

Mr. J. J. S. Driberg, Extra Assistant Commissioner of Mungledye, to be an Extra Assistant Commissioner of the Second Grade.

Captain H. Lawrell, Superintendent of the Customs Preventive Service, on probation, is confirmed in that appointment.

The 8th November 1869.—Baboo Hurri Coomar Dutt to be an Assessor, under Act IX. of 1869, in the District of Tipperah, and to exercise the powers of a Collector for the purposes of that Act.

Mr. G. J. Murray to be an Assistant to the Magistrate and Collector of Maldah, and to exercise the powers of a Subordinate Magistrate of the Second Class.

The 9th November 1869.—Mr. T. M. Kirkwood, Revenue Superintendent of Canals in Orissa, is vested with the powers of a Magistrate and Collector in the Districts of Cuttack, Pooree, Balasore, Midnapore, Hooghly, and Burdwan.

Mr. J. G. Charles to be an Assistant to the Magistrate and Collector of the 24-Pergunnahs, but to continue to officiate as a Joint-Magistrate and Deputy Collector of the Second Grade.

The orders of the 19th ultimo, appointing Mr. Charles to officiate as Joint-Magistrate and Deputy Collector of Cuttack, are cancelled.

Mr. H. B. Simson to be Joint-Magistrate and Deputy Collector of Rajshahye, but to continue to officiate as Magistrate and Collector of Monghyr, until further orders.

LEAVE OF ABSENCE.

The 30th June 1869.—Mr. J. D. Maclean, Officiating Deputy Collector of Customs, Calcutta, for three months under Section XIX. of the Covenanted Service Absentee Rules.

The 7th October 1869.—Baboo Bemola Churn Bhuttacharjya, Deputy Magistrate and Deputy Collector of Moonsheegunge, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules, from the date on which he availed himself of the leave.

The 12th October 1869.—Baboo Dwarkanath Roy, Assessor of Income Tax, Bogra, for twenty-one days, under paragraph 16 of the Uncovenanted Service Absentee Rules.

The 5th November 1869.—Mr. R. A. Fisher, Officiating Extra Assistant Commissioner, Tezpore, for three months, under paragraph 11 of the Uncovenanted Service Absentee Rules

The furlough granted to Mr. A. Abercrombie, c. s., under orders of the 8th December 1868, is extended to the 17th February next.

The 9th November 1869.—Baboo Umbica Churn Roy Chowdry, Deputy Magistrate and Deputy Collector of Maldah, for fifteen days, under the Financial Notification No. 3622, dated 22nd December 1865, in extension of the leave granted to him under orders of the 19th August last.

NOTIFICATION.

The 2nd November 1869.—Baboo Juggobundhoo Khan, Income Tax Assessor in the Jehanabad Sub-Division of Hooghly, having returned to duty on the 11th September last, the unexpired portion of the leave granted to him under orders of the 30th idem, and of which he availed himself from the 4th of that month, is cancelled.

The 3rd November 1869.—The following Officers of the Bengal Civil Service reported their departure from India on the dates and on the vessels mentioned :—

Names.	Dates of departure.	Vessels.
Mr. H. C. Richardson...	11th October 1869	*Deccan.*
„ H. Muspratt ...	Ditto ...	*Ditto.*

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

The following Orders issued by the Government of India, in the Home Department, are re-published for general information :—

No. 4937.—*Simla, the 27th October* 1869.—*Notifications.—Public.*—The undermentioned members of the Bengal Civil Service, having obtained certificates of high proficiency in the languages mentioned opposite their respective names, have each been presented with the authorized donation of Rs. 1,000 :—

Mr. T. M. Kirkwood, in Bengali.
„ R. F. Rampini, in Ooryah.

No. 4969.—*The 29th October* 1869.—The undermentioned gentleman, appointed by the Secretary of State to India a member of Her Majesty's Civil Service on the Bengal Establishment, has reported his arrival in India on the 13th instant :—

Mr. James Pratt.

No. 535.—*The 27th October* 1869.—*Ecclesiastical.*—Furlough on medical certificate and preparatory leave has been granted to the Reverend J. Roberts, Junior Chaplain of the Church of Scotland, for a total period of ten months with effect from the 4th May 1869.

The following Orders issued by the Government of India, in the Financial Department, are re-published for general information :—

No. 4252.—*Simla, the 26th October* 1869.—*Notification.—Leave and Allowances.*—Read the undermentioned papers :—

Order of this Department, No. 3205, dated the 22nd instant, regarding the allowances of Military Officers on staff employ during absence on preparatory leave.

Resolution No. 1131 passed in this Department on the 15th June 1869, regarding subsidiary leave to Military Officers in civil employ.

Communication from the Public Works Department, No. 1460E., dated the 9th ultimo, objecting to the last mentioned order.

RESOLUTION.—The Resolution of the 15th June 1869 applies to Military Officers in civil employ on consolidated salaries. Military Officers in civil employ on staff salaries will draw allowances during preparatory leave under the order No. 3205 of the 22nd October 1868.

ORDER.—Ordered, that the foregoing Resolution be published in the *Gazette of India*, and communicated to the other Departments of the Government of India, the Local Governments, the Comptroller-General of Accounts, the Accountant-General and Deputy Accountants-General on independent charge.

No. 2269*A.*—*Fort William, the 30th October* 1869.—*Notification.—Leave and Allowances.*—RESOLUTION.—The Governor General in Council has under consideration a revision of the present rules regarding acting allowances of officers in civil employ. As the revised rules will have to be considered in each Department of the Government of India, a little delay will necessarily take place in their promulgation. Meanwhile, His Excellency in Council has determined that wherever under present rules acting allowances are calculated at the rate of 30 per cent. on Rupees 2,000 of the salary of the office and 20 per cent. on the remainder, or, as in the case of the majority of Uncovenanted Officers, at 20 per cent. on Rupees 2,000 and 10 per cent. on the remainder, a uniform rate of 20 per cent. shall be substituted in the case of all acting appointments made on or after the 1st November 1869.

In other respects the rules for acting allowances will remain unaltered until further orders.

RIVERS THOMPSON,
Offg. Secy. to the Govt. of Bengal.

JUDICIAL AND POLITICAL DEPARTMENTS

No. 706J.

APPOINTMENTS.

The 3rd November 1869.—Surgeon N. B. Baillie, Officiating Civil Surgeon of Bhaugulpore, to be Civil Surgeon of that District, with effect from the date on which the services of Surgeon T. Wright were placed at the disposal of the Government of India in the Military Department.

Third Grade Sub-Assistant Surgeon Kristo prosonno Mitter, lately attached to the Dispensary at Chupra, was in charge of the Civil Station, in addition to his own duties from the 16th March to the 30th April 1869.

The 5th November 1869.—Mr. William George Black, Deputy Magistrate and Deputy Collector of Mudehpoorah, is appointed, under Section II. of Act II. of 1869, to be a Justice of the Peace within the territories under the Lieutenant-Governor's control.

Lieutenant C. H. Garbett, to be a Member of the Committee for the management of the Charitable Dispensary at Puruleah.

The 8th November 1869.—Assistant Surgeon R. Lidderdale, M. D., to be Superintendent of Vaccination of the Darjeeling Circle.

The 9th November 1869.—Hafiz Abdool Kureem, to be a Municipal Commissioner for the Town of Durbhangah.

LEAVE OF ABSENCE.

The 8th October 1869.—Mr. J. Masters, Officiating District Superintendent of Police, Kamroop, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules.

A. EDEN,
Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Military Department, is re-published for general information :—

No. 1073.—*Nynee Tal, the 29th October* 1869.—The services of Assistant Surgeon R. Lidderdale, M. D., in medical charge 32nd (Punjab) Regiment of Native Infantry (Pioneers), are placed at the disposal of the Government of Bengal.

A. EDEN,
Secy. to the Govt. of Bengal.

NOTIFICATION.

The 3rd November 1869.—Under Section 82 of Act VI. (B. C.) of 1868, the provisions for the regulation of conservancy or of local improvement, contained in clauses 1, 3, 5, 7, and 11 to 14 of the Schedule K. annexed to the Act, are hereby extended to the Town of Dainhat, in the District of Burdwan, as defined in the Government Notification of the 5th March 1869, published in the *Calcutta Gazette* of the 10th idem.

A. EDEN,
Secy. to the Govt. of Bengal.

NOTIFICATION.

The 8th November 1869.—Under Section 16 of Act II. (B. C.) of 1867, (an Act to provide for the punishment of public gambling and the keeping of common gaming-houses,) the Lieutenant-Governor is pleased to authorize the extension of the provisions of the Act to the Town of Rajmehal and its vicinity.

The following are the boundaries within which the Act shall be in force :—

On the North and East—The Ganges.
South—Jamnuggur and Nagessur Bag.
West—Nuggurpool Nullah.

A. EDEN,
Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

ESTABLISHMENTS.

No. 359.

The 1st November 1869.

Leave of absence.—Baboo Kessublall Bose, Assistant Engineer, Third Grade, attached to the Julpigoree Division, for three months on private affairs, under Section 12 of the Revised Uncovenanted Service Absentee Regulations.

No. 360.

The 2nd November 1869.

Mr. H. Dewes, Executive Engineer, Second Grade, Bengal, has been allowed by the Right Hon'ble the Secretary of State for India, an extension of leave for six months on sick certificate.

No. 361.

Postings.—Mr. A. H. Apjohn, Assistant Engineer, Third Grade, is posted to the Central Cuttack Division, which he joined on the 21st October 1869, afternoon.

No. 362.

Mr. J. F. Nelson, Supervisor Second Grade, is posted to the First Presidency Division.

No. 363.

The 5th November 1869.

Transfers.—Mr, W. Fernie, Assistant Engineer, First Grade, from the Northern Cuttack to the Tributary Mehals Division, which he joined on the 20th October 1869, before noon.

No. 364.

Sub-Conductor W. J. Herdman, Supervisor, First Grade, from the Second Division Grand Trunk Road to the Dinapore Division, which he joined on the 23rd October 1869, afternoon.

No. 365.

Notifications.—Baboo Ramlall, Overseer, First Grade, joined the Southern Cuttack Division on the 15th October 1869, before noon.

No. 366.

Bombardier J. McMinn, Probationary Overseer, First Grade, joined the Tirhoot Division, on the 4th September 1869, afternoon.

No. 367.

The 6th November 1869,

Promotion.—In continuation of Notification from this Department, No. 333, of the 4th October 1869, and with the sanction of the Government of India, Public Works Department, the Lieutenant-Governor has been pleased to promote Baboo Jadoo Nath Roy, Supervisor First Grade, attached to the Third Presidency Division, to the rank of Sub-Engineer, Third Grade, with effect from the 1st September 1869.

No. 368.

The 8th November 1869.

The following Orders issued by the Government of India, Military Department, are re-published for information :—

No. 1075 *of the 29th October* 1869.—The undermentioned Officers are permitted to proceed to Europe on furlough on private affairs.

* * * * *

Lieutenant James Dundas, V. C. of the Royal Engineers, Executive Engineer, Third Grade, Public Works Department, Assistant to the Chief Engineer, and Assistant Secretary to the Government of Bengal, for one year, under the Regulations of 1868.

No. 1076 *of the 29th October* 1869.—The undermentioned Warrant Officer is permitted to proceed to Europe on furlough and private affairs, subject to the approval of the Right Hon'ble the Secretary of State for India, to the cancelment of his retirement as notified in General Order, No. 930 of 1869.

Conductor William Hibberdine Manners, of the Public Works Department, for two years, under Government General Order, No. 531 of 1851.

No. 369.

Leave of absence.—Conductor W. H. Manners, Executive Engineer, Third Grade, attached to the Bhaugulpore Division, is allowed preparatory leave from the date of his relief from duty in that Division, to the date of the departure of the Second English Mail Steamer of this month.

No. 370.

The 9th November 1869.

Posting.—Lieutenant G. Nolan, (unattached) Executive Engineer, Third Grade, transferred from the Irrigation Branch by notification No. 113 of this date, is appointed to Officiate as Executive Engineer of the Rajshahye Division.

J. E. T. NICOLLS, *Col., R. E.,*
Secy. to the Govt. of Bengal,
P. W. D.

IRRIGATION.

ESTABLISHMENT.

No. 112.

The 9th November 1869.

The Notifications marginally noted, transferring Lieutenant G. Nolan, Executive Engineer, Third Grade, from the Nasreegunge Division, to the Gunduck Division, and Mr. T. B. Stoney, Executive Engineer, Fourth Grade, from the Gunduck Division, to the Nasreegunge Division, are hereby cancelled.

Nos. 98, 99, dated 11th October 1869.

No. 113.

The services of Lieutenant G. Nolan, Executive Engineer, Third Grade, are replaced at the disposal of the Public Works Department, Bengal, General Branch.

F. H. RUNDALL, *Col., R. E,*
Joint-Secy. to the Govt. of Bengal,
P. W. Dept., Irrigation Branch.

Notification.

THE following Rules prescribed by the High Court for the qualification, admission, and enrolment of Pleaders and Mookhtars, are re-published for general information. Particular attention is drawn to Rules 11, 22, and 30.

J. H. BELCHAMBERS,
Deputy Registrar, for Registrar.

HIGH COURT OF JUDICATURE,
(APPELLATE SIDE)
Fort William,
The 9th November 1869.

RULES DRAWN UP IN ACCORDANCE WITH SEC. 4, ACT XX OF 1865, FOR THE QUALIFICATION, ADMISSION, AND ENROLMENT OF PLEADERS AND MOOKHTARS IN MOFUSSIL COURTS.

1. Pleaders in the Mofussil Courts of the Regulation Provinces, within the limits of the jurisdiction of the High Court, shall, as regards qualification, be of two grades.

2. Those of the higher grade shall be competent to appear, plead, and act in any Civil or Criminal Court subordinate to and within the limits of the general jurisdiction of the High Court, and also before the Board of Revenue or in any Revenue Court or Office within the said limits: Provided that they shall not appear, plead, or act in the High Court.

3. Those of the lower grade shall be competent to appear, plead, and act in the Courts of the Sudder Ameens and Moonsiffs, and in the Courts of Assistant Commissioners, Extra Assistant Commissioners, and Registrars of Small Cause Courts, and also in any Criminal Court, or before the Board of Revenue or other Revenue Court or Office, within the limits of the general jurisdiction of the High Court: Provided that they shall not appear, plead, or act in the High Court.

4. Mookhtars, duly admitted and enrolled, may, subject to the conditions of their certificates as to the class of Courts in which they are authorized to practise, appear and act in any Civil Court, and may appear, plead, and act in any Criminal Court within the same limits: Provided that they shall not appear, plead, or act in the High Court.

5. All persons, who, on the 1st January 1866, were Pleaders, or were lawfully qualified to act as Pleaders in any local Civil Court subordinate to the High Court, are qualified to be admitted and enrolled as Pleaders, subject to the provisions of Act XX. of 1865. Such persons must make their applications for enrolment in the manner prescribed in Section 43 of the said Act.

QUALIFICATIONS FOR PLEADERS OF THE HIGHER GRADE.

6. Every person may be admitted as a Pleader of the higher grade who shall be qualified as hereinafter prescribed, that is to say—

1*st.*—If he shall have obtained the Degree of Bachelor in Law of one of the Universities of Calcutta, Madras, or Bombay, or shall be a Licentiate in Law of one of the said Universities: Provided that his application for admission as a Pleader be made within three years from the time of his obtaining such Degree or License, or within such further time as the High Court shall for any special reason allow; or,

2*nd.*—If he shall satisfy the Court that he possesses a competent knowledge of the subjects mentioned in this clause by producing a certificate from the Examiners hereinafter mentioned that he has passed an examination in the Regulations, Enactments, and Text Books set opposite to the respective subjects. Where two or more books are mentioned in the alternative, it shall be sufficient if the applicant pass in one of such books to be selected by himself.

Subjects.	Regulations, Enactments, and Text Books.
1*st.*—The Law of Property current in Bengal.	
A. With reference to the Permanent Settlement;—to the Government lien on land;—to claims to hold land exempt from the payment of revenue;—and to the mode in which Estates can be brought to sale for arrears of revenue.	Regulations (Bengal) I, VIII, X, XIV, XIX, and XLIV of 1793, and the Regulations and Acts by which the same have been altered: Act XI of 1859, and the preamble to Regulation (Bengal) II of 1793.

B. The law of undertenures and the mode in which the same can be brought to sale for arrears of rent.	Regulation (Bengal) VIII of 1819: Act X of 1859: Act VIII of 1865 (Bengal Council).
C. The relation of Landlord and Tenant.	Act X of 1859: Act VI of 1862, (Bengal Council).
D. Mortgages: Registration of Assurances.	Macpherson on Mortgages: Act XX of 1866.
E. The Hindoo Law of inheritance, succession, and adoption.	Davabhaga and Mitakshara; Dattaka Chandrika, or Macnaghten's Principles of Hindoo Law, first seven chapters.
F. Mahomedan Law ...	Macnaghten's Principles of Mahomedan Law, except chapter 9.
G. The Indian Succession Act.	Act X of 1865.
2nd.—Obligations arising from Contracts.	Macpherson on Contracts.
3rd.—Civil Procedure ...	Act VIII of 1859: Act XXIII of 1861: Act XI of 1865.
4th.—The Law of Evidence.	Act II of 1855, and Best or Goodeve or Norton on Evidence.
5th.—The Law relating to Stamps.	Act X of 1862: Act XVIII of 1865.
6th.—The Law of Limitation.	Act XIV of 1859.
7th.—Criminal Law and Procedure.	The Indian Penal Code (Act XLV of 1860) and the Code of Criminal Procedure (Act XXV of 1861.)

7. The examinations will be held before such persons as the Government of Bengal shall appoint to be Examiners in pursuance of Section 6, Act XX of 1865, according to such Regulations as shall be made by the said Government for conducting such examinations.

8. The application to the High Court for admission shall be made within three years from the time of the applicant's passing the examination, or within such further time as the Court shall for any special reason allow.

9. In order to qualify a person to present himself for the examination required by these Rules for the higher grade—

1st.—He must hold a certificate of having passed the Entrance Examination of the University of Calcutta, Madras, or Bombay, or shall satisfy the High Court that he has received a liberal education elsewhere than in India.

2nd.—He must hold a certificate of having regularly attended a full course of lectures in Law at one of the Colleges affiliated to the Calcutta University, or such Law lectures elsewhere as shall be deemed by the High Court to be sufficient.

3rd.—He must hold a satisfactory certificate of good moral charater.

4th.—He must be between the ages of 20 and 40 years, unless he shall have been admitted and shall have practised as a Pleader of the lower grade previously to his application to be admitted to the examination for the higher grade, in which case he may be admitted to that examination if he shall satisfy the Judge of the District in which he resides that up to the time of the application he has been acting as a Pleader of the lower grade, and shall produce a certificate from the Judge or Judges in whose Court he has been so practising, that in his or their judgment, he is a proper person to be admitted to examination for the higher grade.

10. Any person, who, on the 1st January 1866, was practising as a Pleader of the lower grade, may present himself at the first examination for a pleadership of the higher grade, which may take place after the expiration of six months from the publication of these Rules in the *Calcutta Gazette*, without having the qualifications required by Clauses 1 and 2 of Rule 9.

11. Every candidate for examination for the higher grade shall, on or before the 1st of December in each year, give notice to the Judge of the District in which he resides of his intention to present himself at the ensuing examination, and he shall establish, to the satisfaction of the Judge, that he possesses the qualifications declared by Rules 9 and 10 to be necessary for such candidates.

12. The Judge, if satisfied that the candidate possesses such qualifications, shall thereupon enter his name, the name of his father, his place of residence, and his age, in a register, with a certificate to the effect that the Judge has been satisfied that he possesses the necessary qualifications, and shall furnish the candidate with a copy of, or an extract from, the said register.

13. Before the date of examination, every candidate for the higher grade shall pay a fee of Rupees 20 into the Government Treasury of the District. The candidate shall, at the same time, present to the Collector the copy of the register furnished to him under Rule 12, and the Collector's receipt for the fee shall be endorsed thereon. Every candidate for examination shall produce to the Examiners the copy of the register granted to him by the Judge, with the Collector's receipt endorsed thereon.

14. Candidates residing in Calcutta shall give the notice required by Rule 11 and make the payment required by Rule 13 to the Judge and Collector, respectively, of the 24-Pergunnahs.

15. Any person who shall pass the examination as a Pleader of the higher grade, and who shall desire to be admitted, shall pay into the Government Treasury of the District in which he shall intend to practise Rupees 20, and shall, on presentation of the certificate of the Examiners and the Collector's receipt for the said sum of Rupees 20, be entitled to apply to the High Court for admission and enrolment.

16. The application, together with the certificate and receipt required by Rule 15, shall be presented to the Judge of the District in which the applicant intends ordinarily to practise, and shall be forwarded by the Judge to the Registrar of the High Court with such remarks as he may think fit to make thereon.

17. Upon the applicant's being admitted and enrolled by the High Court, a certificate to that effect shall be forwarded by the Registrar of the High Court to the Judge of the District, who, upon the applicant's delivering and leaving with him a declaration in writing signed by the said applicant in conformity with the recital in the form of certificate given in the 2nd Schedule to Act XX of 1865, shall grant him a certificate as required by the said Act.

Qualifications for Pleaders of the Lower Grade.

18. Every person may be admitted as a Pleader of the lower grade who shall satisfy the Court that he possesses a competent knowledge of the subjects mentioned in this clause, by producing a certificate from the Examiners hereinafter mentioned that he has passed an examination in

the Regulations, Enactments, and Text Books set opposite to the respective subjects :—

Subjects.	Regulations, Enactments, and Text Books.
1*st*.—Hindoo Law ...	Macnaghten's Principles of Hindoo Law, first seven chapters.
2*nd*.—Mahomedan Law ...	Macnaghten's Principles of Mahomedan Law, except chapter 9.
3*rd*.—Law of Contracts ...	Macpherson on Contracts.
4*th*.—The Law of Property current in Bengal with reference to the Permanent Settlement:—to the Government lien on land:—to claim to hold lands exempt from the payment of Government Revenue:—and to the mode in which Estates can be brought to sale for arrears of Revenue.	Regulations (Bengal) I, VIII, X, XIV, XIX, and XLIV, of 1793, and the Regulations and Acts by which the same have been altered: Act XI of 1859, and the preamble to Regulation (Bengal) II of 1793.
5*th*.—The relation of Landlord and Tenant.	Act X of 1859: Act VI of 1862 (Bengal Council)
6*th*.—The law relating to Putnee Talooks.	Regulation (Bengal) VIII of 1819: Act VIII of 1865 (Bengal Council).
7*th*.—The Law of Limitation.	Act XIV of 1859.
8*th*.—The Law relating to Stamps.	Act X of 1862: Act XVIII of 1865.
9*th*.—Civil Procedure, including the Small Cause Court Act.	Act VIII of 1859: Act XXIII of 1861: Act XI of 1865.
10*th*.—The Law of Evidence.	Act II of 1855, and Norton on Evidence.
11*th*.—Criminal Law and Procedure.	Penal Code (Act XLV of 1860): Code of Criminal Procedure (Act XXV of 1861.)

19. The examination will be held before such persons as the Government of Bengal shall appoint to be Examiners in pursuance of Section 6, Act XX of 1865, and according to such Regulations as shall be made by the said Government for conducting such examinations.

20. The application to the High Court for admission shall be made within three years from the time of the applicant's passing the examination, or within such further time as the Court shall for any special reason allow.

21. In order to qualify a person to present himself for examination for the lower grade—

1*st*.—He must hold a certificate of having passed the Entrance Examination of the University of Calcutta, Madras, or Bombay, or a certificate of having passed the examination for a Government vernacular scholarship, or minor scholarship.

2*nd*.—He must hold a satisfactory certificate of good moral character.

3*rd*.—He must be between the ages of 20 and 35 years.

22. Every candidate for examination for the lower grade shall, on or before the 1st of December in each year, give notice to the Judge of the District in which he resides of his intention to present himself at the ensuing examination, and shall establish, to the satisfaction of such Judge, that he possesses the qualifications declared by Rule 21 to be necessary for such candidates.

23. The Judge, if satisfied that the candidate possesses such qualifications, shall thereupon enter his name, the name of his father, his place of residence, and his age, in a register, with a certificate to the effect that the Judge has been satisfied that he possesses the necessary qualifications, and shall furnish the candidate with a copy of, or an extract from, the said register.

24. Before the date of examination, every candidate for the lower grade shall pay a fee of Rupees 10 into the Government Treasury of the District. The candidate shall, at the same time, present to the Collector the copy of the register furnished to him under Rule 23, and the Collector's receipt for the fee shall be endorsed thereon. Every candidate for examination shall produce to the Examiners the copy of the register granted to him by the Judge, with the Collector's receipt endorsed thereon.

25. Candidates residing in Calcutta shall give the notice required by Rule 22, and make the payment prescribed by Rule 24 to the Judge and Collector, respectively, of the 24-Pergunnahs.

26. Any person who shall have passed for the lower grade under the preceding Rules, and who shall desire to be admitted, shall pay into the Government Treasury of the District in which he shall intend to practise Rupees 10, and shall, on presentation of the Examiner's certificate and of the Collector's receipt for the said sum of Rupees 10, be entitled to apply to the High Court for admission and enrolment.

27. The application, together with the certificate and receipt mentioned in Rule 26, shall be presented to the Judge of the District in which the applicant intends ordinarily to practise, and shall be forwarded by him to the Registrar of the High Court with any remarks which he may think fit to make thereon.

28. Upon the applicant's being admitted and enrolled by the High Court, a certificate to that effect shall be forwarded by the Registrar of the High Court to the Judge of the District, who, upon the applicant's delivering and leaving with him a declaration in writing, signed by the said applicant in conformity with the recital in the form of certificate given in the 2nd Schedule to Act XX of 1865, shall grant him a certificate as required by the said Act.

Rules for Mookhtars.

29. 1*st*.—Any person qualified to be admitted as a Pleader of either grade shall be entitled to be admitted as Mookhtar.

2*nd*.—Any person qualified to present himself for examination for a pleadership of either grade may present himself for examination to be admitted as Mookhtar.

3*rd*.—Any person who can satisfy the Judge of the District that he possesses the following qualifications may be admitted to examination for the office of Mookhtar, *viz*.:—

A.—That he is a person of good moral character.

B.—That he has received a liberal education.

C.—That he is not above the age of 35 years, unless he has been previously practising as a Mookhtar, in which case no limit of age will be prescribed.

30. Every candidate for examination as a Mookhtar shall, on or before the 1st of December in each year, give notice to the Judge of the District in which he resides of his intention to present himself at the ensuing examination, and

he shall at the time of giving such notice establish, to the satisfaction of such Judge, that he possesses all the qualifications declared by Rule 29 to be necessary for such candidates.

31. The Judge, if satisfied that the candidate possesses such qualifications, shall thereupon enter his name, the name of his father, his place of residence, and his age, in a register, with a certificate to the effect that he possesses the necessary qualifications, and shall furnish the candidate with a copy of, or an extract from, the said register.

32. Before the date of examination, every candidate shall pay a fee of Rupees 5 into the Government Treasury of the District. The candidate shall, at the same time, present to the Collector the copy of the register furnished to him under Rule 31, and the Collector's receipt for the fee shall be endorsed thereon. The applicant shall produce to the Examiners the copy of the register granted to him by the Judge, with the Collector's receipt endorsed thereon.

33. Candidates residing in Calcutta shall give the notice required by Rule 30, and make the payment prescribed in Rule 32 to the Judge and Collector, respectively, of the 24-Pergunnahs.

34. The examination shall be held before such persons as the Government of Bengal shall appoint to be Examiners in pursuance of Section 6, Act XX. of 1865, and according to such Regulations as shall be made by the said Government for conducting such examinations. The examination shall be in the following subjects:—

Code of Civil Procedure.

Law of Limitation.

Stamp Laws.

Small Cause Court Act.

Penal Code and Code of Criminal Procedure.

35. Any person who shall pass the examination as a Mookhtar, and who shall desire to be admitted, shall pay into the Government Treasury of the District in which he shall intend to practise Rupees 8, and shall, on presentation of the certificate of the Examiners and of the Collector's receipt for the said sum of Rupees 8, be entitled to apply to the High Court for admission and enrolment.

36. The application, together with the certificate and receipt required by Rule 35, shall be presented to the Judge of the District in which the applicant intends ordinarily to practise, and shall be forwarded by the Judge to the Registrar of the High Court with such remarks as he may think fit to make thereon.

37. Upon the applicant's being admitted and enrolled by the High Court, a certificate to that effect shall be forwarded by the Registrar of the High Court to the Judge of the District, who, upon the applicant's delivering and leaving with him a declaration in writing signed by the said applicant in conformity with the recital in the form of certificate given in the 2nd Schedule to Act XX. of 1865, shall grant him a certificate as required by the said Act.

38. If any person having passed the examination entitling him to be admitted and enrolled as a Mookhtar shall fail to apply for such admission and enrolment for a period of three years, he shall not be admitted and enrolled, unless, by special order of the High Court, the time for such application shall be extended.

39. Provided that any person who, on the 1st January 1866, had been practising for the term of one year at least immediately preceding that date as a Mookhtar in a Criminal Court, and who shall satisfy the Judge of the Disirict in which he ordinarily practised that he is a person of good moral character, and qualified by his knowledge of law and procedure to continue practising as Mookhtar shall be admitted to practise in any Criminal Court.

40. In any District in which there is a resident Magistrate and no resident Judge, it shall be sufficient for an applicant to satisfy the Magistrate that he possesses the qualifications mentioned in Rule 39.

41. The qualifications required by the foregoing Rules shall not be necessary for Pleaders or Mookhtars in the Non-Regulation Provinces under the Government of Bengal. Rules for the qualification, admission, and enrolment of such Pleaders and Mookhtars will be published hereafter.

42. If any person having been admitted and enrolled as a Pleader or Mookhtar shall neglect to take out a certificate, or, having obtained a certificate, shall fail to renew it for a period of three years, he shall be suspended, and shall not be entitled to receive a certificate, or to have his certificate renewed without further orders of the High Court.

43. Any person, who, having been admitted as a Pleader or Mookhtar, shall accept any appointment under Government, or shall enter into any trade or other business, shall give notice thereof to the High Court, who may thereupon pass such orders as the said Court may think fit.

44. Any person, who shall hold any appointment under Government, or shall carry on any trade or other business at the time of his application for admission as a Pleader or Mookhtar, shall state the fact in his application for admission.

45. Any wilful violation of any of the above Rules shall subject a Pleader or Mookhtar to suspension or dismissal.

B. PEACOCK.

C. TREVOR.

H. V. BAYLEY.

J. P. NORMAN.

F. B. KEMP.

W. S. SETON-KARR.

LOUIS S. JACKSON.

SHUMBOONATH PUNDIT.

G. CAMPBELL.

J. B. PHEAR.

A. G. MACPHERSON.

F. A. GLOVER.

May 2nd 1866.

No. 4917C.

Opium Notification.

NOTICE is hereby given that the Twelfth, or last Sale of Opium, the provision of 1867-68, will be held at the Exchange Hall, on Monday, the 6th December 1869, at 11 A. M., and will comprise 3,720 Chests, *viz.*:—

		Chests.
Behar Opium	...	2,195
Benares ,,	...	1,525
Total Chests	...	3,720

2. The general Conditions of the Sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 9th October 1868, and published in the *Government* and *Exchange Gazettes*, or on application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 11th and 21st December, respectively, that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the Sale-room, will be received after 4 P. M. of Saturday, the 11th December 1869, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P. M. of Tuesday, the 21st December 1869.

By Order of the Board of Revenue, L. P.,

R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 2nd November 1869. (F)

Notice.

No. 4876C.

SEALED TENDERS for the cartage of the Government Opium from the Railway Station at Armenian Ghât to the Opium Godowns, and for the supply of coolies to load and unload the carts and stack the chests in the said Godowns, will be received at the Board's Office up to 2 P. M. of Thursday, the 11th proximo.

2. The tenders must be separately made for carts and coolies: the former must state the rate per cart, and the number of chests that each cart will load; and the latter, the rate per hundred chests for loading and unloading the carts and stacking the chests.

3. A deposit of Rupees 1,000 will have to be made in respect of each successful tender, by way of security, for the due fulfilment of the contract.

4. The Board reserve to themselves the right to reject any tender, without assigning any reason for doing so.

By Order of the Board of Revenue, L. P.,

R. L. MANGLES,
Offg. Junior Secretary.

FORT WILLIAM,
The 29th October 1869. (F)

Revenue Survey Department.

No. 12.

PROMOTION.

MR. G. R. BUTTRESS, Assistant Surveyor, from the Second to the First Grade, with effect from 31st ultimo.

D. C. VANRENEN, *Lieut.-Col., R. A.,*
Supdt. of Revenue Surveys, Lower Circle.

CALCUTTA,
The 5th November 1869. (F)

Notification.

DEPUTY COLLECTOR BABOO PROTAP CHUNDER CHATTERJEE is placed in charge of the Shahabad Treasury, and is authorized to draw Bills on other Treasuries.

R. P. JENKINS,
Commissioner.

PATNA COMMR.'S OFFICE,
The 29th October 1869. (F)

Notice.

MR. E. M. REILY, Deputy Collector of Furreedpore, has been put in charge of the Furreedpore Treasury, and authorized to draw Bills on other Treasuries.

F. B. SIMSON,
Commissioner.

DACCA COMMR.'S OFFICE,
The 5th November 1869. (F)

Notice.

THE Singbhoom Annual Fair will be held as usual at Chyebassa during the last fortnight in December 1869.

(Sd.) E. G. LILLINGSTON,
Offg. Dy. Commr., Singbhoom.

CHYEBASSA,
The 30th September 1869. (F)

Notice.

THE Cachar Mela will, as usual, be held at Silchar, commencing on Thursday, the 30th December 1869, corresponding with 16th Pous 1276, and continuing for as many days as considered necessary.

J. W. EDGAR,
Offg. Depy. Commissioner.

CACHAR DEPY. COMMR.'S OFFICE,
The 25th October 1869. (F)

Gilchrist Scholarship Examination.

NOTICE.

WITH reference to the Government Notification dated the 12th December 1868, published in the *Calcutta Gazette* of the 16th idem, page 2044, it is hereby notified that the next Examination for the Gilchrist Scholarships will be held on the 18th January 1870, at the Presidency College, Calcutta. Candidates must apply to the Director of Public Instruction, Bengal, before the 31st December 1869.

W. S. ATKINSON,
Director of Public Instruction.

DARJEELING,
The 17th September 1869. (F)

RETAIL PRICES OF FOOD AS REPORTED TO GOVERNMENT DURING THE WEEK ENDING 6TH NOVEMBER 1869.

Number of Seers of 80 Tolahs weight retailed for a rupee.

AT	Date of Return from each District.	Cleaned Rice in Ordinary use.			Pulses in Ordinary use.			Wheat.		Attah.		Janera, Jowar and such Grains.	
		Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Dearest sort.	*Cheapest sort.* Ordinary price at this Season.	*Cheapest sort.* Present price.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.	Ordinary price at this Season.	Present price of cheapest kind.
Districts in which the prices are same or nearly the same.													
Durrung ...	25th Oct. 1869	8	32	16	10	18	13	16	12	8	5	*	*
Gowalparah ...	1st Nov. 1869	13	17	17	12	16	13	17	17	8	7½	35	35
Luckhimpore ...	25th Oct. 1869	10	13	12	4	10	9	7	8	4	4	*	*
Nowgong ...	1st Nov. 1869	10	12	16	20	16	25	12	*	6	4	*	*
Purneah† ...	16th Oct. 1869 / 23rd "	13	42	16	10	30	20	30	15	20	9	40	25
Deoghur ...	1st Nov. 1869	6	30	16	10	16	8	18	11½	16	8	*	*
Godda ...	28th Oct. 1869	12	28	15	9	26	11	26	12	16	8	50	35
Nya-Doomka ...	1st Nov. 1869	14	24	16	12	16	14	20	10	12	7	60	45
Bancoorah ...	30th Oct. 1869	14½	27½	22½	14	15	12½	15	11⅜	11¼	8⅜	34	35
Howrah ...	1st Nov. 1869	13	19	16	14	19	19	15	12	10	9	*	*
Midnapore ...	30th Oct. 1869	13	24	16	11	17	14	11	10	10	7	*	*
Balloonh ...	1st Nov. 1869	14	19	16	6	20	10	*	*	5	5	*	*
Chittagong† ...	25th Oct. 1869 / 1st Nov. 1869	12½	20,22	18	6¼	13,16	13	16,14½	9	10	7	*	*
Tipperah ...	31st Oct. 1869	16	23¾	21¼	8	20	14	12	11¼	6	5⅜	*	*
Singbhoom ...	2nd Nov. 1869	16	30	24	16	24	22	15	14	10	10	*	*
Balasore ...	1st "	16	32	30	9	16	18	14	9	16	6	*	*
Cuttack ...	1st "	15⅜	23⅜	23⅜	14 7/16	23⅜	23⅜	15¾	6¼	10½	4 1/16	*	*
Beckergunge ...	30th Oct. 1869	15	23	19	7	19	16	*	14	*	6½	*	*
Furreedpore ...	31st "	10	21	16	25	26	26	22	20	8½	6½	*	*
Mymensingh ...	1st Nov. 1869	15	25	19	10	25	16	10	16	8	8	*	*
Calcutta ...	6th "	9	15½	14½	9⅜	17	14½	13½	11 1/16	9	8	*	*
Jessore ...	1st "	8	22	18¼	8	21	16	13 1/16	10	10	7	*	*
Nuddea ...	2nd "	13 1/16	23¾	20	8¼	33 1/16	16	15⅜	11 7/16	10⅜	7 5/16	*	*
Chumparun ...	30th Oct. 1869	24	24	26	10	24	11	28	15	17	11	56	16
Tirhoot ...	29th Oct. 1869	14	27	19	10½	26	11	24	13	19	10	35	32½
Bograh ...	1st Nov. 1869	15	32½	23	8	17	12	30	13	12	6½	*	*
Dinagepore ...	31st Oct. 1869	17	25	24	8	16	13	15¼	12	11	10½	*	*
Rajshahye† ...	26th "	12	17¼	18⅜	6	10½	12	12	13½	7½	8¼	*	*
Districts in which all or most articles are dearer.													
Monghyr† ...	25th Oct. 1869 / 3rd Nov. 1869	11½,12	30	18	*	35	10,9	35	13,12	25	9½	40	27
Rajmehal ...	1st "	16	40	21	8	35	10	39	12	25	9	60	30
Beerbhoom ...	30th Oct. 1869	16½	27	19½	*	30	15	24	11	15	8	68	40
Cachar ...	1st Nov. 1869	15¼	32	16	11½	14	11⅜	12	8⅜	5⅜	5 1/16	*	*
Dacca ...	1st "	14	40	16	15	19	16	11	12	7	6	*	*
Maldah ...	1st "	17	26	18	12	39	12	28	12½	18	9½	*	*
Districts in which all or most articles are cheaper.													
Hazareebaugh ...	30th Oct. 1869	11	25	24	7	30	30	20	11	16	8	50 / 96*a*	36 / 45*a*
Lohardugga ...	23rd "	10	40	24½	8	17	15	13	9½	10	6½	40	40½
Patna ...	30th "	14	21 5/16	17	8	22	12½	16 3/16	12	14 5/16	9	29 5/16	29
Sarun ...	31st "	12	25	15	9	35	11¼	28	10½	24	8	40	26
Districts in which some articles are dearer and some cheaper.													
Kamroop ...	31st Oct. 1869	12	25	16	6	20	16	20	10	8	5	*	*
Seebsaugor ...	23rd "	5	16	14	4	6	5	13	10	5	4	*	*
Bhanguipore ...	31st "	13⅜	31½	17	11⅞	47 5/16	12⅜	27¼	13¼	20 3/16	10 1/16	50½	26½
Burdwan ...	6th Nov. 1869	8½	28	21	7	22	15½	15	12	12¼	8⅛	*	*
Hooghly ...	1st "	12	18	16	7½	20	14½	14½	11	9	9	17½	10½
Manbhoom ...	29th Oct. 1869	16	26	28	9	36	21	15	12	13	8	55	40
Sylhet ...	29th "	13	29	19¼	8½	19⅜	23	11	12	7⅜	8	*	*
24-Pergunnahs ...	1st Nov. 1869	13¾	7¼	17¾	6½	20	19	13	11¼	8	8⅜	*	*
Gya ...	1st "	12	27	15	11	33	12	27	11¼	23	9⅜	31	22
Shahabad ...	1st "	8½	24	16	9	24	10	23	11	18	9	30	24
Pubna ...	31st Oct. 1869	18	24	22	6	32	13	19½	10	12	7	*	*
Rajshahye† ...	2nd Nov. 1869	12	18⅜	19½	6	10½	12¾	12	12⅜	7½	8¼	*	*
Rungpore ...	1st "	16⅜	29¼	22½	6 7/16	19½	11 13/16	29¼	11 13/16	11½	8 1/16	*	*
Darjeeling ...	1st "	8	13	11¼	5	8	5	10	8	7	4⅛	20	24

* Information not supplied.
† Both returns were received during the week under report.
a Price of Mahooa.

PUBLISHED for general information.

FORT WILLIAM,
The 9th November 1869.

H. S. BEADON,
Offg. Under-Secy. to the Govt. of Bengal.

(F)

NOTICE

Is hereby given that the charge for landing Cargo from Ships at the Jetties will be a
detailed in the annexed Schedule.

Every Ship unloading at the new Jetties will be charged Rupees 10 per diem, if moored at
single Crane ; and Rupees 16 per diem, if moored at a double Crane Jetty.

SCHEDULE

Of charges to be paid by Owners, Importers, and Consignees for Goods landed at the Jetties, an
for their removal (when not cleared within the prescribed time) to the Custom House :—

	Landing charges at the Jetties.	For removal of Goods not claime within 24-hours to the Custom House.
	Rs. As. P.	Rs. As. P.
Piece Goods and Twist, bales and cases	0 6 0	0 3 0
Canvas, Twine, and Stationery, bales and cases	0 7 0	0 3 6
Other dry Goods not enumerated, in cases 1 to 2 dozens	0 2 0	0 1 0
Ditto ditto ditto 3 „ 4 „	0 3 0	0 1 6
Ditto ditto ditto 6 „	0 5 0	0 2 6
WINES, SPIRITS, AND BEER—		
Butts or Pipes	0 12 0	0 6 0
Hogsheads	0 8 0	0 4 0
Quarter Casks	0 3 0	0 1 6
Cases 1 to 2 dozens	0 2 0	0 1 0
„ 3 „ 4 „	0 4 0	0 2 0
„ 6 „	0 5 0	0 2 6
„ 12 „	0 8 0	0 4 0
Above 12 „	0 9 0	0 4 6
Bottled Beer, casks 3 dozens	0 3 0	0 1 6
Ditto ditto 4 „	0 4 0	0 2 0
GLASS AND EARTHEN-WARE—		
Large Casks	0 14 0	0 7 0
Ditto Crates	1 2 0	0 9 0
Smaller ditto	0 10 0	0 5 0
Empty bottles ditto	0 7 6	0 3 9
Ditto mats	0 10 0	0 5 0
Hogsheads	0 14 0	0 6 0
Smaller, ditto	0 6 0	0 3 0
Cases 12 dozens	0 14 0	0 7 0
„ 6 „	0 10 0	0 5 0
„ 3 „	0 5 0	0 2 6
HARDWARE—		
Casks, large	1 0 0	0 8 0
Hogsheads	0 12 0	0 6 0
Quarter casks	0 8 0	0 4 0
Cases 1 to 2 dozens	0 3 0	0 1 6
„ 3 „ 4 „	0 6 0	0 3 0
„ 5 „ 6 „	0 12 0	0 6 0
„ 7 „ 12 „	1 0 0	0 8 0
Sheathing Copper, per cwt.	0 3 0	0 2 0
Brazier's „ „ „	0 3 0	0 2 0
Rollers of Lead	1 12 0	0 14 0
Iron ...		
Spelter ...		
Copper tiles ... } Per 100 maunds	5 0 0	3 0 0
Pig Iron ...		
Lead Ingots ...		
Keg or Tub of Steel	0 2 6	0 1 6
Boxes of Tin Plates	0 2 6	0 1 6
Samples	0 1 0	0 0 6
PAINTS—		
Kegs 28 lbs.	0 1 0	0 0 6
„ 56 „	0 2 0	0 1 0
„ 112 „	0 4 0	0 2 0
„ 224 „	0 5 0	0 4 0
Nails same as above for Paints.		
Rangoon Cotton, bales	0 4 0	0 2 0
Pitch and Tar, in barrels	0 6 0	0 3 0
Ditto in hogsheads	0 8 0	0 4 0
Boxes of Window Glass	0 4 0	0 2 0
Cutch, per 100 maunds	5 0 0	0 10 0
Copper Cash, per bag	0 4 0	0 2 0
Cases of Hams	1 4 0	0 10 0
Salted provisions, hogsheads		0 5 0
Ditto barrels ... ... }	0 10 0	0 1 3
Bundles of Shovels	0 2 6	0 1 0
Ditto of Electric Wire	0 6 0	0 4 0
Casks of Rice Bowls	1 0 0	0 8 0
Betelnuts, per 100 bags	5 0 0	3 0 0
All other Goods in proportion.		

By Order of the Chief Customs Authority,

The 1st November 1869.

J. A. CRAWFORD,
Collector of Customs.

(F)

NOTICE.

LIST of unclaimed Packages lying on the Custom House Wharf.

Date of Landing.	Mark or Address of Packages.	Ships.
1869, Sept. 9th ..	1 Parcel, [E T] J S ...	Tenasserim.
,, 9th ..	1 Parcel, D D N, B P ...	Ditto.
,, 14th ...	293 Cases, D. P. and Co., J G S ...	Sumroo.
Aug. 27th ...	12 Cases, W C C ...	Ditto.
Sept. 4th ...	1 Package, S. A. Van Someran ...	T. A. Gibb.
,, 13th ...	8 Packages, [N L] ..	Saint Marnock.
,, 17th ...	7 Cases, N L ...	Ditto.

CALCUTTA CUSTOMS,
The 9th November 1869.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE undermentioned Packages, if not cleared on or before the dates specified against each item, will be sold for the realization of Duty, Wharfage, &c., under Section 57 of Act VI. of 1863 :—

Date of Sale.	Mark or Address of Packages.	Ships.
1869, Nov. 13th ...	15 Quarter Boxes Gunpowder, Moyapore Magazine, B. L. and Co., Calcutta ...	Carnarvon Castle.
,, 13th ...	40 Quarter Barrels Gunpowder, Moyapore Magazine, W. H. and Co. ...	Ditto.
,, 13th ...	1 Cask, Y. G. and Co. ..	British Statesman.
,, 13th ...	1 Parcel, [J F C] ...	Saint Kilda.
,, 13th ...	4 Bales, P L ..	Arratoon Apcar.
,, 13th ...	1 Case, X ...	Ditto.
,, 13th ...	1 Bag, V M ...	Bushier.
,, 13th ...	1 Truss, 2 and 12 ...	Iron Side.
,, 20th ..	1 Package, D B C O ...	Str. Meinam.

CALCUTTA CUSTOMS,
The 9th November 1869.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE undermentioned Packages, landed under Section 52 of Act VI. of 1863, if not cleared on or before the dates specified against each item, they will be sold for the realization of Duty, Wharfage, &c., under Section 56 of Act VI. of 1863 :—

	Benton.	
1869, Nov. 12th ...	[D N D P] 6 Cases ... [D] 9 Kegs ...	J, 590 bundles of Iron.
	Rooparell.	
1869, Nov. 13th ...	No mark, 10 Barrels.	
	British Nation.	
1869, Nov. 12th ...	[D N D P] 82 Packages.. [D N D] 2 Casks.	
	India.	
1869, Nov. 24th ...	[J F C] 2 Parcels.	
	British Statesman.	
1869, Dec. 4th ...	[23] W, 1 Case ... S C S, 1 Case ...	W W W D, 1 Crate.
,, 4th ...	[L E V J] [L] 1 Parcel,	
	City of Seringapatam.	
1869, Dec. 7th ...	Mackinnon, Mackenzie and Co., 1 Case.	

CALCUTTA CUSTOMS,
The 9th November 1869.

J. A. CRAWFORD,
Collector of Customs.

NOTICE.

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be advertized for sale :—

	Sumroo.	
1869, Dec. 11th ...	W C C, 24 Cases	... [8] C 9, 1 Case.
	Saint Marnock.	
1869 Dec. 31st ...	[N C] C O, 1 Case	... L N N, 1 Case.
	Saladin.	
1869, Dec. 21st ...	R L M C, 2 Cases.	

CALCUTTA CUSTOMS,
The 9th November 1869.

J. A. CRAWFORD,
Collector of Customs.

(F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 3,000 acres, more or less, situated in Rungli Rungliot, known as Tanoom Mundul's Land at Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Rungjo Jhora.
South.—Land belonging to Mr. W. Lloyd.
East.—Government Forest Land.
West.—Straight line to Rungjo Jhora at right angles to the ridge so as to give an area of 3,000 acres.

(F)

Notice

Is hereby given that the undermentioned Lots of Waste Lands, estimated to consist of about 1,460 acres, more or less, situated in Darjeeling, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by Auction to the highest bidder above the upset price of two Rupees and eight annas per acre on the 2nd day of December 1869, at the Office of the Deputy Commissioner of Darjeeling, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863.

B. W. D. MORTON,
Deputy Commissioner.

DARJEELING,
The 1st September 1869.

BOUNDARIES.

North.—Truetler's Land.
South.—Government Forest Reserve.
West.—The Portong or Mungha River.
East.—The Balasun River.

(F)

MONTHLY STATEMENT OF TRAFFIC PASSED THROUGH THE CIRCULAR AND EASTERN CANALS from 1st to 31st October 1869.

Names of Chowkeys.	Charcoal.			Wood Coal.			Piece Goods, Native Produce.			Piece Goods, Imported Fabrics.			Hides.			Cotton.			Castor Seed.			Castor Oil.			Indigo.			Jaggery.			Jute.			Lime.			Mustard Seed.			Mustard Seed Oil.		
	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.
Circular Canal ...																																							
Ramongiatta...	...	...	...	700	...	...	...	...	...	...	...	...	32	2100	168700 No.	...	...	...	...	...	...	...	...	...	...	...	...	70	30925	...	483	219200	116169 Bls.	130	235775	13345?	50	13925	6825	...	...	...
Chitpore ...	25	27950	12400	1700	3400	10	14	4200	323 Bls.	...	...	...	...	...	...	16	6650	217 Bls.	...	...	...	...	...	...	...	...	...	...	12775	...	...	...	...	...	...	107	18850	8925	8	1600	960
Rajah's Khal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tolly's Nullah																																								
Samookpotta...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	24	7450	3500	34	53450	26508	...	...	...	...	6	4025	2000	...	...	...
Russa ...	...	...	...	...	...	...	...	...	Bls.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kidderpore ...	4	6700	4150	...	...	...	3	1200	225	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	19	11300	5575	...	...	...	1	800	400	22	9725	4500	1	150	10

Names of Chowkeys.	Salt.			Sugar.			Tobacco.			Linseed.			Paddy.			Pulse.			Peas.			Rice.			Wheat.			Lentil.			Grain.			Sundries.		
	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Number of Boats.	Measurement.	Estimate.	Total Number of Boats.	Total Measurement.	Total Cargo by estimate.
Circular Canal ...																																			
Ramongiatta...	...	...	...	12	4750	2125	20	14625	7375	100	129875	60425	58	40800	18375	38	23300	1200	122	27875	10600	1185	316400	114975	...	...	...	125	30475	15425	69	22100	10400	3368	643875	...
Chitpore ...	211	129800	73395	...	...	...	40	6000	3100	...	...	...	...	...	...	...	...	...	...	...	...	168	79475	40000	...	...	...	...	...	...	...	...	...	1161	276635	...
Rajah's Khal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	38	1100	600	...	...	...	...	...	...	...	...	...	65	1825	...
Tolly's Nullah																																			
Samookpotta ...	...	...	...	2	425	200	6	1830	700	...	...	...	430	37175	18000	14	6800	3300	...	...	...	166	79475	40000	...	...	...	...	...	...	...	...	...	1164	248600	...
Russa ...	...	...	...	...	...	...	...	...	...	...	...	...	16	750	300	...	...	...	...	...	...	38	1100	600	...	...	...	...	...	...	...	...	...	943	32725	...
Kidderpore ...	54	33100	19214	...	...	...	25	10450	3275	...	...	...	19	2600	950	...	...	1300	...	...	...	12	6850	3200	...	...	...	...	...	...	...	...	...	1092	83900	...

DHAPPA;
Toll Collector's Office,
the 6th November 1869.

J. F. GALIFFE,
Collector and Supervisor, Calcutta Canals.

Notice

Is hereby given that the undermentioned lot of Waste Lands, estimated to consist of about 72 acres 2 roods and 20 poles, more or less, situated in Mouzah Captainpur, Pergunnah Rupaibali, Zillah Cachar, and bounded as shewn at the foot of this notice, having been applied for under the "Rules for the sale of unassessed Waste Lands in the Lower Province of Bengal," will be put up to sale by auction to the highest bidder above the upset price of Two Rupees and Eight Annas per acre, on the second day of December 1869, at the Office of the Deputy Commissioner of Cachar, should no objection be preferred such as to render it necessary to defer the sale under the provisions of Act XXIII. of 1863. The sale will be made in the manner and subject to the conditions prescribed by the Rules above cited, and to the provisions of Act XXIII. of 1863 :—

Boundaries.

East—Settled lands of Pattah, No. 81, belonging to Mohun Sing and others.

West and South.—Settled lands of Mouzah Captainpur.

North.—Boundary of Mouzah Beienakandy, contained in Dags Nos. 412, 413, 414, 429, 430, 432, 433, 435, 436, 437 and 439.

O. G. R. McWILLIAM,
Offg. Deputy Commissioner.

CACHAR DEPUTY COMMISSIONER'S OFFICE,
The 2nd September 1869. (F)

Wanted,

A HEAD CLERK for the Judicial Department of the Office of the Commissioner of Cooch Behar Division. None but those who have experience in Judicial work, and competent knowledge of Office routine, need apply. Salary, Rupees 200.

DENONATH MOOKERJEE,
Personal Assistant to the Commissioner of Cooch Behar Division.

JULPIGOREE,
The 27th October 1869. (155—4)

Notice

Is hereby given that the post of Treasurer of the Bograh Collectorate has temporarily fallen vacant by the promotion of the late incumbent to the Officiating Foujdary Head Clerkship. Salary, Rupees 65 per month. Candidates should apply to the undersigned on or before the 10th November next. Security in Rupees 10,000 required. There is every probability of the appointment being eventually a permanent one.

T. F. BIGNOLD,
Offg. Collector.

BOGRAH,
The 25th October 1869. (154—2)

Notice.

AN authorized Bengalee translation of the Imperial Act VIII. of 1869 amending the Criminal Procedure Code can be obtained from Messrs. G. C. Hay and Co., Booksellers, or at the Office of the *Calcutta Gazette*, at 12 annas a copy. (F)

Notice.

WANTED a Sheristadar for the Moonsiff's Court at Pothna. Pay 40 Rupees rising to 60 Rupees per mensem. Applications with Testimonials should be sent to the undersigned on or before the 15th December next. Preference should be given to English knowing Candidates.

BULLORAM MULLICK,
Moonsiff of Pothna,
East Burdwan.

GULSI,
The 6th November 1869. (161—4)

Sheriff's Office, the 3rd November 1869.

NOTICE is hereby given that the Ninth Criminal Session of the year 1869 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Wednesday, the First day of December next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JAMES ROME,
Sheriff.

সরিফ আফিস ১৮৬৯ সাল ৩ নবেম্বর।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার ফোর্ট উইলিয়ম দুর্গের অধীন শহর কলিকাতার ও অন্যান্য স্থানের ফৌজদারী বিচার নিষ্পত্তি জন্য আগামি ১লা ডিসেম্বর বুধবার বেলা ১১ ঘটিকার সময় এবং যে পর্য্যন্ত সেশিয়ানের কার্য্য শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার টৌনহালে হাই কোর্টের আদালত ঘরে সন ১৮৬৯ সালের নবম ক্রিমিনেল সেশিয়ান বসিবেক এবং এতদ্দ্বারা প্রচার করা যাইতেছে যে যে সকল ব্যক্তি কোন কয়েদীর বিরুদ্ধে ফৌজদারী মিছিল করিবেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির থাকিয়া মোকদ্দমা করে ইতি তারিখ ১ নবেম্বর সন ১৮৬৯ সাল।

JAMES ROME,
Sheriff.

(F)

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st October 1869.

PARTICULARS.	3½ per Cent. Loan of 1853-54.	4 PER CENT. LOANS							4½ per Cent. Loan of 1856-57.	5 PER CENT.		5½ per Cent. Loan of 1859-60.	5 PER CENT. DEBENTURES FOR					TOTAL AMOUNT.
		of 1824-25.	of 1828-29.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	Transfer of 1865.		P. W. of 1854-55.	of 1856-57.		2 years. Repayable Jan. 1869.*	3 years. Repayable Jan. 1870.	5 years. Repayable June 1872.	10 years. Repayable June 1877.	15 years. Repayable June 1882.	
Balance of 9th October 1869	53,100	34,133	2,346	21,27,466	40,04,600	1,50,35,100	1,23,30,900	1,31,56,700	14,500	52,03,400	5,68,58,000	3,77,30,200	60,000	21,07,000	30,87,000	30,44,000	36,09,000	15,84,57,445
ADD																		
Amount enfaced at Madras between 10th and 31st October 1869.	...	...	...	...	...	...	...	7,500	...	3,000	24,200	14,000	...	...	...	...	...	48,700
Amount enfaced at Bombay between 10th and 31st October 1869.	...	...	...	...	...	...	...	3,000	...	...	500	51,000	...	...	...	...	...	54,500
Amount enfaced at Calcutta between 10th and 31st October 1869.	....	...	...	...	1,000	5,200	21,000	1,09,300	...	...	78,500	18,500	...	...	...	...	...	2,33,500
Total ...	53,100	34,133	2,346	21,27,466	40,05,600	1,50,40,300	1,23,51,900	1,32,76,500	14,500	52,06,400	5,69,61,200	3,78,13,700	60,000	21,07,000	30,87,000	30,44,000	36,09,000	15,87,94,145
DEDUCT																		
Amount written off in the London Registers.	...	...	...	...	...	...	...	...	...	3,000	6,04,200	1,32,500	...	...	...	5,000	...	7,44,700
Balance on 31st October 1869 ...	53,100	34,133	2,346	21,27,466	40,05,600	1,50,40,300	1,23,51,900	1,32,76,500	14,500	52,03,400	5,63,57,000	3,76,81,200	60,000	21,07,000	30,87,000	30,39,000	36,09,000	15,80,49,445

* Extended to July 1870, bearing interest at 4½ per cent.

NOTE.—From 9th June 1867 to 31st Aug. 1869, enfaced from India 662 lacs. Re-transferred from London 394 lacs.
From 1st Sept. 1869 to 15th Sept. „ ditto ditto ditto 5 „ Ditto ditto 4 „
From 16th Sept. „ to 30th Sept „ ditto ditto ditto 4 „ Ditto ditto 10 „
From 1st Oct. „ to 9th Oct. „ ditto ditto ditto 8 „ Ditto ditto 3 „
From 10th Oct. „ to 31st Oct. „ ditto ditto ditto 3 „ Ditto ditto 7 „

682 418

Balance against India ... 264

PUBLIC DEBT OFFICE;
Bank of Bengal,
Calcutta, 6th November 1869.

G. W. MOULTRIE,
Offg. Secretary and Treasurer.

164—1)

Statement of the Affairs of the Bank of Bengal for the Week ended 2nd November 1869.

LIABILITIES.		Rs. As. P.
Proprietors' Capital, paid-up		2,20,00,000 0 0
Reserve Fund		15,89,378 11 11
General Treasury Balance at Head Office, Rupees ...	Nil.	67,65,056 4 9
General Treasury Balance at Branches, Rupees	67,65,056 4 9	
Other Deposits at Head Office and Branches ...		3,04,89,950 6 8
Bank Post Bills, &c.		3,73,250 3 7
Sundries		6,06,498 1 5
Rupees ...		6,18,24,133 12 4

ASSETS.		Rs. As. P.
Government Securities		99,44,923 2 6
Loans on Government Securities at Head Office, and Branches		42,90,226 7 10
Accounts of Credit on Government Securities at Head Office and Branches ...		14,98,867 7 4
Mercantile Bills discounted at Head Office and Branches		1,22,97,640 13 7
Dead Stock		10,05,335 4 9
Stamps		12,682 8 1
Balances with other Banks		7,88,966 4 11
Sundries		1,57,836 4 4
		2,99,96,478 4 10
Cash and Currency Notes at Head Office, Rupees ...	1,36,44,799 10 4	3,18,27,655 7 6
Cash and Currency Notes at Branches, Rupees ...	1,81,82,855 13 2	
Rupees ...		6,18,24,133 12 4

By Order of the Directors,

J. GORDON,
Chief Accountant & Deputy Secretary.

G. W. MOULTRIE,
Offg. Secretary and Treasurer.

(159—1)

Nuddea Rivers.

Report shewing the least depth in the present Navigable Channels on the 29th October 1869.

Names of Rivers.	Least depth of water. Ft. In.	Remarks.
MATABANGAH.		
Above Entrance in Ganges...	34 0	
On the Entrance Shoal ...	12 0	
Thence to Hât Bouleah, 44 miles ...	13 0	
Hât Bouleah to Alickdeah...	12 9	
Alickdeah to Kissengunge, 38 miles ...	15 0	
Kissengunge to Hooghly River, 34 miles ...	19 0	
BHAGIRUTTEE.		
Junction with Ganges ...	46 3	
Entrance ...	6 9	
Thence to Jeagunge ...	10 0	
Jeagunge to Cutwa, 60 miles	14 6	
Cutwa to Nuddea, 46 miles.	23 0	
JELLINGHEE.		
Entrance ...	6 9	
Thence to Kurreempore, 19 miles ...	7 0	
Kurreempore to Teeakatta, 35 miles ...	12 0	
Teeakatta to Nuddea, 60 miles ...	28 0	

Height on Guage at Berhampore, on the 2nd November 1869, 15 feet 7 inches.

T. H. WICKES, C. E.,
Exe. Engr., Nuddea (Local) Rivers' Divn.

BERHAMPORE,
The 2nd November 1869. (F)

Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Alfred Isaac Meyer, an Insolvent. } On Saturday, the 2nd day of October instant, it was ordered that the application of the said Insolvent for the dismissal of his petition seeking for relief under the Act XI. Vic., cap. 21, do stand over until the 4th day of December next.

Rogers and Remfry, *Attorneys.*
Chief Clerk's Office, the October 1869.

Great Eastern Hotel, Wine and General Purveying Company, Limited.

NOTICE is hereby given that the Fifteenth Half-yearly Ordinary General Meeting of Shareholders will take place at the registered Office of the Company, Nos. 1, 2 and 3, Old Court House Street, on Tuesday, the 30th of November 1869, at 3 P. M., to receive the report of the Directors and an "*ad interim*" statement of account for the half-year ending 31st August last; and for the transaction of such other business as may be placed on the table.

By order of the Directors,

C. B. WALLIS,
Secretary.

CALCUTTA,
The 30th October 1869. (153—4)

Notice.

BEERBHOOM COAL COMPANY, LIMITED.

A QUORUM of Shareholders, not being present at the Half-yearly Ordinary General Meeting of the Shareholders, convened this day, the deferred Meeting will be held at the registered Office of the Company, No. 1, Hare Street, Calcutta, on Friday, the 26th November 1869, at noon, for the purpose of receiving the Directors' report and passing the accounts for the half year ending 31st July 1869.

J. E. MACLACHLAN,
Managing Director.

1, HARE STREET,
Calcutta, 30th October 1869. (156—4)

PURSUANT to a decree of the High Court of Judicature at Fort William in Bengal, in its Ordinary Original Civil Jurisdiction, in suit No. 121 of 1868, wherein Mary Ann Madge, widow, is Plaintiff, and Charles John Wilkinson, Officiating Administrator-General of Bengal, the sole Executor by virtue of his Office, of Stephen Davies Riley, deceased, the Testator in the pleadings mentioned is Defendant, dated the 3rd day of June 1869. It was directed that the child or children of William Riley, a brother of the said S. D. Riley, deceased, or the Representative or Representatives of such child or children or other the persons claiming to be interested in the Estate of the said William Riley, deceased, should appear either, by themselves or by duly constituted Agents on or before the 3rd day of June 1871, before one of the Judges of the said High Court, at the Town Hall, situate in Calcutta, and prove his, her or their interest, or in default thereof he, she or they will be peremptorily excluded from the benefit of the said decree.

R. BELCHAMBERS,
Registrar.

HATCH & HOYLE,
Plaintiffs' Attornies.

10, *Old Post Office Street, Calcutta.* (2—6)

The Bankruptcy Act, 1861.

NOTICE OF DIVIDEND MEETING.

A MEETING of the Creditors of the Bankrupt hereinafter named, will be held, pursuant to the 174th section of the said Act, at the time and place hereinafter mentioned, that is to say:—

At the Court of Bankruptcy, Basinghall Street, in the City of London, before Henry Philip Roche, Esq., a Registrar.

Louis Otto Runtz Rees, of No. 30, Great St. Helen's, in the City of London, and of Snaresbrook, in the County of Essex, Merchant, also trading in co-partnership with Antonio Massa at Calcutta, in the East Indies, under the firm of Runtz Rees and Co., as Merchants, a Bankrupt.

A Dividend Meeting will be held on the 7th day of February 1870, at 11 o'clock in the forenoon precisely.

At the said Meeting the Assignees will, in pursuance of the 174th section of the said Act, submit a statement of the Bankrupt's Estate, recovered and outstanding, and of all receipts and of all payments made or to be made thereout. And the Creditors at the said Meeting will, in pursuance of the said section, declare whether any and what dividend shall be made, and whether any and what allowance shall be paid to the said Bankrupt. Proofs of debt will be received, and the Creditors who have not proved, or do not then prove, will be excluded the benefit of the dividend, and all claims not proved will be disallowed.

ASHURST, MORRIS & Co.,
6, *Old Jewry, London,*
Solicitors to the said Estate.

(28—6)

Bank of Bengal.

NOTICE is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office, will be closed on Friday and Saturday, the 12th and 13th instant, on account of the Hindoo festival Jugodhatree Poojah, in conformity with Government Notification No. 3464 of the 29th October 1867.

By Order of the Directors,
G. W. MOULTRIE,
Offg. Secretary & Treasurer.

CALCUTTA,
The 2nd November 1869. (158—1)

Chartered Bank of India, Australia and China.

MR. G. A. WHYTE having returned from Europe has resumed charge of this Agency.

By Order of the Court of Directors,
J. SIMPSON,
Acting Agent.

CALCUTTA AGENCY,
The 8th November 1869. (160—1)

National Bank of India, "Limited."

MR. JAMES CHALMERS will, on and after this date, act as Interim Manager of this Bank at Calcutta, in room of MR. ARTHUR FLEMING HEWETT, who has resigned.

By Order of the Board,
R. O. SAWERS,
Chief Manager.

CALCUTTA,
The 5th November 1869. (166—3)

Tea Property for Sale.

COOCHEELA GARDEN.
Cachar.

THE above garden, forming part of the Victoria Tea Company's Estate, together with the buildings, stores, plant, and other appurtenances, will be offered for public sale on an early day this month, (unless previously disposed of privately). The property is held in fee-simple and the amount paid in full; there are about 490 acres with five years old plants, and about 500 coolies working at present.

For further particulars, apply to Messrs. Mackenzie, Lyall & Co., or to the Secretaries.

By Order of the Directors,
BORRADAILE, SCHILLER & Co.

(167—*f. n.*)

R. Scott Thomson and Company, "Limited."

THE Thirteenth Half-yearly Ordinary General Meeting of Shareholders will be held at the registered Office of the Company, 15, (late 13) Government Place, on Friday, the 26th instant, at noon, for the purpose of declaring an *ad interim* Dividend for the half-year ended 30th September last.

By Order of the Directors,
F. STUART,
Secretary.

The 5th November 1869. (169—3)

PROMISSORY NOTES.

Caution.

THE public is hereby cautioned from purchasing or negociating the undermentioned Government Promissory Notes, otherwise called Company's Papers, belonging to the Estate of the late Shibnarain Deb, and which are now in the hands of his widow, Sreemutty Wojulmonee Dossee, who is legally authorised only to draw the interest thereof:—

000232				
———	of 1856-57 for Rupees			5,000
40327				
000231				
———	...	...	,,	5,000
40328				
000236				
———	...	...	,,	3,400
72172				
4638	...	...	,,	1,700
000239				
———	...	...	,,	1,200
79267				
000235				
———	...	...	,,	1,100
72160				
000238				
———	...	...	,,	1,000
79265				
000237				
———	...	...	,,	1,000
79264				
000234				
———	...	...	,,	1,000
52593				
000233				
———	...	...	,,	1,000
35647				
000240				
———	...	...	,,	1,000
79266				
000241				
———	...	...	,,	500
42018				
026570				
———	...	...	,,	500
a12320				
027200				
———	...	...	,,	500
73159				
000507	...	...	,,	1,000
000230				
———	...	...	,,	5,000
40329				
000685	...	...	,,	5,000
000686	...	...	,,	5,000
000700	...	...	,,	1,000
000709	...	...	,,	1,000
001609				
———	...	...	,,	1,000
6224				
1279	of 5460 P. W. Loan		,,	1,000
1854	...	...	,,	600
3102	...	...	,,	500

(Sd.) DHUR & DUTT,
Attorneys.

CALCUTTA,
The 8th November 1869. (162—4)

Advertisement.

THE Government Promissory Note, No. 008144 of the 5½ per Cent. Loan of 1859-60, for Company's Rupees twenty thousand (Rupees 20,000), originally standing in the name of the Agra Bank Limited, and last endorsed to us, the Proprietors. Payment of the above Note, and of interest thereupon, has been stopped at the Public Debt Office, and application is about to be made to Government for the issue of a duplicate Note in favor of the Proprietors.

B. & A. HORMARJEE,
Elphinstone Circle, Bombay.
The 4th November 1869. (165—3)

ADVERTISEMENT.

THE Government Promissory Note, No. 009233 of the 5½ per Cent. Loan of 1859-60, for Company's Rupees ten thousand (Rupees 10,000), originally standing in the name of the Bank of Bengal, and last endorsed to us, the Proprietors. Payment of the above Note, and of interest thereupon, has been stopped at the Public Debt Office, and application is about to be made to Government for the issue of a duplicate Note in favor of the Proprietors.

B. & A. HORMARJEE,
Elphinstone Circle, Bombay.
The 4th November 1869. (166—3)

CURRENCY NOTES.

Extract from Financial Department Notification, No. 1004A., dated Simla, 30th July 1866.

Para. 9.—"The person making the statement respecting a lost or destroyed Note, or portion of Note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the Note is payable, and *once* in the *Gazette of India*.

Lost,

IN an unregistered letter, half of the following Currency Note:—

No. A72—03450, for Rs. 20.

ROOKENEY BULLUB BAHADOOR.

HALF of the following Currency Note, intimation of its loss given to the Currency Office, Calcutta:—

No. A75—90668, for Rs. 1,000.

RAMCHURN BHUGOBAN DOSS.

IN an unregistered letter, halves of the following Currency Notes:—

Nos. A56—73400, and 73401, for Rupees 50 each.

ASHBURNER AND Co.

THE following Currency Note, half of which has been lost accidentally; intimation of its loss having been given to the Currency Office, Calcutta:—

No. A64—06773, for Rupees 100.

SAGORE MULL JEELFALL.

THE Right-half of the following Allahabad Currency Note:—
No. A44—71067, for Rs. 20.
T. MARTIN.

HALF of the following Government Currency Note, No. A64—19052, for Rupees 100; intimation of loss given to the Currency Office, Calcutta.
SMALLWOOD AND LUTCH.

RIGHT-HALVES of the following Currency Notes, in transit by Post, intimation of loss given to the Currency Office, Calcutta:—
Nos. A59—84734, 53589, 75543, 78702, 78703, 78349, 64697, 64915, 65092, 65111, 65344, 65365, for Rupees 100 each.
S. COCHRANE.

IN transit by Post, Left-half of Currency Note, No. A30—35412, (Allahabad Circle) for Rupees 50; intimation of loss given to the Currency Office, Allahabad.
S. COCHRANE.

FIRST-HALF Note, No. A50—66942, for Rupees 10.
TARA NARN ROY.

HALF of the following Government Currency Note:—
No. A41—95220, for Rupees 10.
SAMUEL SMITH, SONS AND CO.

IN an unregistered letter half of the following Currency Note:—
No. A62—97443, for Rs. 10.
H. PEACHEY.

IN an unregistered letter half of the following Currency Note of 4th April 1867:—
No. A56—91940, for Rs. 50.
M. CULLEN.

HALF of Government Currency Note, No. A56—71018, for Rupees 50.
J. C. DOUGLAS.

FIRST-HALVES of Government of India Notes, Nos. A59—70963 and A64—06830, for Rupees 100 each.
B. SMYTH AND CO.

IN an unregistered letter in transit by Post, the Left-halves of two Currency Notes, Nos. A64—19327 and A64—19329, for Rupees 100 each.
OBHOYA CHURN BAGCHEE.

Lost or Stolen.

HALF of the following Currency Note, No. A11—38859, of 13th July 1861, for Rupees 50.
REGINALD DRAKE.

HALF of the Government Currency Note, No. A27—54945, for Rupees 20.
SHEIKH PEERO AND OTHERS,
Seebsaugor, Upper Assam.

THE following Government Currency Notes, payment stopped at the Currency Office:—

No.	A64—01307,	for Rs.	100.
,,	A56—73585,	,,	50.
,,	A56—79173,	,,	50.
,,	A72—52250,	,,	20.
,,	A72—11655,	,,	20.
,,	A66—90434,	,,	10.

DAYAM ALLY.

Mutilated.

CURRENCY Note, No. A6—01449, for Rupees 10. Intimation has been given to the Currency Office.
PEARY MOHUN MOOKERJEE.

HALF of the following Currency Note:—
No. A24—05337, for Rs. 50.
GOUR MOHUN DASS.

Wrongly joined.

RECEIVED in the course of business the following Currency Note, wrongly joined:—
First-half No. A64—19478 } for Rs. 100.
,, ,, A64—19479 }
CHOTAY LALL.

THE following Currency Note which bear different numbers received in the course of business:—
No. A48—84788 } for Rs. 10.
,, A48—87150 }
KADARNAUTH MOZOOMDAR.

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